

**Certification of Confirmation**

**Ordinary Meeting of Council**

**Minutes**

**23 September 2021**

I, Cr Mel Congerton, hereby certify that the minutes from the Ordinary Meeting of Council Meeting held on 23 September 2021 pages (1) to (167) were confirmed at the Ordinary Meeting of Council Meeting held on 25 November 2021.



Signature

Cr Mel Congerton  
Presiding Member

## Ordinary Meeting of Council Minutes

An ordinary Meeting of Council was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 on **Thursday 23 September 2021**. The meeting commenced at **6:04pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 6:04 pm.

### 1.1 ACKNOWLEDGEMENT OF COUNTRY

The Chairman acknowledged the traditional custodians of the land on which the meeting is held and paid respects to the elders past, present and future.

Kaya Maaman, Kaya Yorga, Kaya Bridia  
Ngalak kaartitj windji ngalak nynininy  
Ngalak kaartitj nidja boodja baal Whadjuk Noongar Boodja ngalak nyininy  
Koorah, Nitja yeyi, Boordahwan

#### Translation

Greetings everyone  
We all understand where we are meeting.  
We know that we meet on the lands of the Whadjuk Noongar people  
Always was, always will be.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

### Councillor Attendance

Cr Jai Wilson	Chairman	Town of Bassendean
Cr Doug Jeans	Deputy Chairman	Shire of Mundaring
Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Lorna Clarke	EMRC Member	City of Bayswater
Cr Giorgia Johnson	EMRC Member	City of Bayswater
Cr Lesley Boyd	EMRC Member	City of Kalamunda
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Mel Congerton	EMRC Member	City of Swan
Cr Charlie Zannino	EMRC Member	City of Swan

### EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Mr Hua Jer Liew	Chief Financial Officer
Mr Douglas Bruce	Chief Project Officer
Mrs Wendy Harris	Chief Sustainability Officer
Mr Brad Lacey	Chief Operating Officer
Mrs Lee Loughnan	Personal Assistant to Chief Financial Officer (Minutes)

## EMRC Observers

Mr David Ameduri	Manager Financial Services
Ms Izabella Krzysko	Manager Procurement & Governance
Mr Stephen Fitzpatrick	Waste and Resources Recovery Specialist
Mr Richard Whitehead (departed 6:43pm)	Communications Co-ordinator
Mr Chris Snook	Information Services Officer
Ms Isabelle Marie	Co-ordinator Waste Education
Ms Theresa Eckstein	Executive Assistant to Chief Executive Officer

## Observer(s)

Cr Ian Johnson	EMRC Deputy Member	City of Swan
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## Visitor(s)

Ms Lisa Lough (departed 6:43pm)	Managing Director	Catalyse
Ms Karen Browne (departed 7:39pm)	Partner	HopgoodGanim Lawyers

## 3 DISCLOSURE OF INTERESTS

Nil

## 4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION

The Chairman announced that this was his last Ordinary Meeting of Council as he has not nominated himself for re-election to the Town of Bassendean's Council. He thanked Councillors for their generous contribution to debate and discussion over the last two years and commented that Councillors have always had kept the interests of the EMRC first and foremost in mind. Staff were also thanked for their very professional contribution to ensure that member Councils are resourced on behalf of their communities.

## 5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 6 PUBLIC QUESTION TIME

Nil

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## **8 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

### **8.1 KEY STAKEHOLDER REVIEW 2021**

A presentation was provided by Ms Lisa Lough, Managing Director of Catalyse on the outcomes of the EMRC Key Stakeholder Review 2021.

## **9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **9.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 AUGUST 2021**

That the minutes of the Ordinary Meeting of Council held on 26 August 2021 which have been distributed, be confirmed.

#### **COUNCIL RESOLUTION**

MOVED CR CONGERTON

SECONDED CR HAMILTON

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 AUGUST 2021 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**

## **10 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

## **11 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Cr Congerton enquired whether the CEO had received any feedback on the EMRC exhibit at the 2021 WA Local Government Convention which was held on the 19-21 September 2021.

The CEO advised that the EMRC was complimented on the quality of the exhibit stand by other exhibitors.

## **12 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC**

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report items are covered in Section 19 of this agenda.

12.1 HAZELMERE WOOD WASTE TO ENERGY PLANT UPDATE (D2021/18185)

12.2 APCr BUSINESS PLAN (D2021/18505)

12.3 PROGRESS REPORT ON EMRC REQUEST FOR TENDER 2021-002, PERMANENT FOGO PROCESSING FACILITY AND BUSINESS PLAN FOR THE PURPOSE OF THE MAJOR TRADING UNDERTAKING (D2021/18507)

**13 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil

**14 REPORTS OF EMPLOYEES**

- 14.1 LIST OF ACCOUNTS PAID DURING THE MONTH OF AUGUST 2021 (D2021/17529)
- 14.2 FINANCIAL REPORT FOR PERIOD ENDED 31 AUGUST 2021 (D2021/17531)
- 14.3 REVIEW OF COUNCIL POLICY 3.3 – MANAGEMENT OF INVESTMENTS POLICY (D2021/18149)
- 14.4 REVIEW OF COUNCIL POLICY 1.4 – TRAVELLING COSTS INCURRED BY COUNCIL MEMBERS POLICY (D2021/18155)
- 14.5 REVIEW OF RESERVES (D2021/18162)
- 14.6 DECLASSIFICATION OF COUNCIL CONFIDENTIAL ITEMS (D2021/18163)
- 14.7 UPDATE ON THE CIRCULAR ECONOMY IN WA (D2021/18166)
- 14.8 MEETING DATES FOR 2022 (D2021/18167)
- 14.9 MATTRESS RECYCLING (D2021/18169)
- 14.10 ITEMS CONTAINED IN THE INFORMATION BULLETIN (D2021/17183)

**QUESTIONS**

The Chairman invites questions from members on the reports of employees.

**RECOMMENDATION(S)**

That with the exception of items ....., which are to be withdrawn and dealt with separately, Council adopts the recommendations in the Reports of Employees (Section 14).

**COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT COUNCIL ADOPTS THE RECOMMENDATIONS IN THE REPORTS OF EMPLOYEES (SECTION 14).

**CARRIED UNANIMOUSLY**

## **14.1 LIST OF ACCOUNTS PAID DURING THE MONTH OF AUGUST 2021**

**D2021/17529**

### **PURPOSE OF REPORT**

The purpose of this report is to present to Council a list of accounts paid under the Chief Executive Officer's delegated authority during the month of August 2021 for noting.

### **KEY POINT(S)**

- As per the requirements of regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of accounts paid during the month of August 2021 is provided for noting.

### **RECOMMENDATION(S)**

That Council notes the CEO's list of accounts for August 2021 paid under delegated power in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, forming the attachment to this report totalling \$14,153,518.25.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from the Municipal Fund and Trust Fund. In accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is to be provided to Council, where such delegation is made.



- 1 The table below summarises the payments drawn on the funds during the month of August 2021. A list detailing the payments made is appended as an attachment to this report.

<b>Municipal Fund</b>	EFT Payments	EFT47476 – EFT47686	
	Cheque Payments	220603 - 220609	
	Payroll EFT	PAY 2022-3, PAY 2022-4, & PAY 2022-5	
	Direct Debits		
	➤ Superannuation	DD22509.1 – DD22509-27 & DD22510.1 – DD22510-27	
	➤ Bank Charges	1*AUG21	
	➤ Other	1982 - 1995	\$14,153,518.25
	Less Cancelled EFT's & Cheques		Nil
<b>Trust Fund</b>	Not Applicable		Nil
<b>Total</b>			<b>\$14,153,518.25</b>

Summary of Expenditure for the Month of August 2021		
Payroll	\$	835,521.94
Term Deposit Investments	\$	7,000,000.00
Capital Expenditure	\$	347,899.85
Distribution of Funds to Member Council	\$	4,985,987.98
Operating Expenditure		
➤ Landfill Levy *	\$	Nil
➤ Other	\$	984,108.48
<b>Total</b>	<b>\$</b>	<b>14,153,518.25</b>

\* Note: The Landfill Levy is paid quarterly in July, October, January and April

### STRATEGIC/POLICY IMPLICATIONS

- 2 Key Result Area 3 – Good Governance
- 3.3 To provide responsible and accountable governance and management of the EMRC
- 3.4 To continue to improve financial and asset management practices

### FINANCIAL IMPLICATIONS

- 3 As detailed within the report.

## SUSTAINABILITY IMPLICATIONS

4 Nil

## RISK MANAGEMENT

### Risk – Adverse credit rating if creditor accounts are not paid when due

Consequence	Likelihood	Rating
Possible	Insignificant	Low
Action/Strategy		
➤ Ensure timely payment of creditor accounts when they fall due.		

## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	Nil
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

CEO's Delegated Payments List for the month of August 2021 (D2021/17745)

## VOTING REQUIREMENT

Simple Majority

## RECOMMENDATION(S)

That Council notes the CEO's list of accounts for August 2021 paid under delegated power in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, forming the attachment to this report totalling \$14,153,518.25.

## COUNCIL RESOLUTION(S)

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT COUNCIL NOTES THE CEO'S LIST OF ACCOUNTS FOR AUGUST 2021 PAID UNDER DELEGATED POWER IN ACCORDANCE WITH REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, FORMING THE ATTACHMENT TO THIS REPORT TOTALLING \$14,153,518.25.

**CARRIED UNANIMOUSLY**



## Eastern Metropolitan Regional Council

CEO's DELEGATED PAYMENTS LIST  
FOR THE MONTH OF AUGUST 2021

Cheque / EFT No	Date	Payee		Amount
EFT47476	02/08/2021	ACCESS SERVICE AUSTRALIA PTY LTD	EQUIPMENT MAINTENANCE	418.00
EFT47477	02/08/2021	ACCESS UNLIMITED INTERNATIONAL PTY LTD	EQUIPMENT RENTAL - WWiE	2,988.04
EFT47478	02/08/2021	ADT SECURITY	SECURITY MONITORING	60.39
EFT47479	02/08/2021	ADVANCED NATIONAL SERVICES PTY LTD	CLEANING SERVICES & CONSUMABLES -ASCOT PLACE	1,358.82
EFT47480	02/08/2021	AIR FILTER DRY CLEAN SYSTEMS WA	CLEAN & SERVICES FILTERS	960.87
EFT47481	02/08/2021	AJL PLUMBING & GAS	PLUMBING SERVICE - RED HILL ADMINISTRATION BUILDING	198.00
EFT47482	02/08/2021	ALL RUBBER TMH PTY LTD	REPLACEMENT BELT ON GRINDER	3,294.50
EFT47483	02/08/2021	ALLIGHTSYKES PTY LTD	QUARTERLY SERVICE - GENERATOR AT RED HILL ADMINISTRATION OFFICE & WEIGHBRIDGE	469.70
EFT47484	02/08/2021	ALLPEST - ROL-WA PTY LTD T/AS	PEST CONTROLS	2,598.00
EFT47485	02/08/2021	ALLUSED PTY LTD	PURCHASE OF HYDRAULIC TREE SHEAR	16,500.00
EFT47486	02/08/2021	ANTHONY WALSH ATF 88 FAMILY TRUST T/A ADVANCED LIQUID WASTE	CLEAR OUT PUMPS WORKSHOP 2 & WHEEL WASH AT RED HILL	770.00
EFT47487	02/08/2021	AUSTRALIAN HVAC SERVICES	AIRCONDITIONING SERVICE	2,217.14
EFT47488	02/08/2021	AUSTRALIAN INSTITUTE OF MANAGEMENT - AIM	EMRC CORPORATE TEMPLATES	6,270.00
EFT47489	02/08/2021	AUSTRALIAN TRAINING MANAGEMENT PTY LTD (ATM)	STAFF TRAINING	505.00
EFT47490	02/08/2021	AUTOSWEEP WA - LAMBERT FAMILY TRUST T/A	SITE SWEEPING - HAZELMERE	2,772.00
EFT47491	02/08/2021	BARFIELD EARTHMOVING (JAYCOURT NOMINEES P/L)	PRODUCT TRANSPORTATION COSTS & PLANT HIRE	8,480.63
EFT47492	02/08/2021	BEDROCK MINE MAINTENANCE SERVICES PTY LTD	PLANT MAINTENANCE	313.50
EFT47493	02/08/2021	BEE JAYS CANVAS CO - PETER STICKLAND HOLDINGS PTY LTD T/AS	SUPPLY OF SHADECLOTH TARPS TO MATHIESON & COPPIN TRANSFER STATIONS	1,344.20
EFT47494	02/08/2021	BELMONT - REDCLIFFE NEWSROUND	NEWSPAPERS	59.08
EFT47495	02/08/2021	BLACKWOODS ATKINS	HARDWARE SUPPLIES	682.53
EFT47496	02/08/2021	BMT COMMERCIAL AUSTRALIA PTY LTD (PREVIOUSLY KNOWN AS BMT WBM PTY LTD)	CONSULTING FEE - FLOOD RISK STUDY	2,112.83
EFT47497	02/08/2021	BOYA EQUIPMENT	PLANT PARTS	142.98
EFT47498	02/08/2021	BREATHALYSER SALES AND SERVICE	EQUIPMENT CALIBRATION, SERVICE & MAINTENANCE	693.00
EFT47499	02/08/2021	BRIGHTMARK GROUP PTY LTD	CLEANING SERVICES & CONSUMABLES	3,441.28
EFT47500	02/08/2021	BRING COURIERS	COURIER SERVICE	230.79
EFT47501	02/08/2021	BULLANT SECURITY PTY LTD	SUPPLY AND INSTALL A SAFE AT COPPIN ROAD TRANSFER STATION	1,099.00
EFT47502	02/08/2021	BUNNINGS GROUP LTD	HARDWARE SUPPLIES	709.28
EFT47503	02/08/2021	BURSON AUTOMOTIVE PTY LTD	PLANT PARTS	77.99
EFT47504	02/08/2021	CAPITAL TRANSPORT SERVICES (WA) PTY LTD	COURIER SERVICE	67.16
EFT47505	02/08/2021	CATHERINE ANNE LEVETT	CONSULTING FEE - BUSH SKILLS 4 YOUTH	726.00
EFT47506	02/08/2021	CDM AUSTRALIA	COMPUTER HARDWARE PURCHASES	1,897.50
EFT47507	02/08/2021	CENTRAL SIGNS	SIGNAGE	1,443.20
EFT47508	02/08/2021	CHEMCENTRE	WOOD FINDS & OTHER WOOD SAMPLE MONITORING - HAZELMERE	1,245.20
EFT47509	02/08/2021	CHIDLOW WATER CARRIERS	WATER SUPPLIES - RED HILL SITE	480.00
EFT47510	02/08/2021	CJD EQUIPMENT PTY LTD	PLANT MAINTENANCE, PARTS & SERVICE	9,287.39
EFT47511	02/08/2021	COMPU-STOR	IT BACKUP DATA SERVICES	678.24
EFT47512	02/08/2021	COUNTRY COMFORT PERTH	BUSINESS WORKSHOP	642.00
EFT47513	02/08/2021	CPR ELECTRICAL SERVICES	PLANT PARTS & MAINTENANCE - GRINDER	59,520.45
EFT47514	02/08/2021	CROSSLAND & HARDY PTY LTD	SURVEYING COSTS - TRANSFER STATION AT RED HILL	5,478.00
EFT47515	02/08/2021	CSE CROSSCOM PTY LTD	TWO-WAY RADIO REPAIR	66.00
EFT47516	02/08/2021	DAMSTRA TECHNOLOGY PTY LTD	STAFF ONLINE TRAINING - ANNUAL SUBSCRIPTION	5,926.80
EFT47517	02/08/2021	DORMAKABA AUSTRALIA PTY LTD	DOOR REPAIR - ASCOT PLACE	324.50
EFT47518	02/08/2021	ECOTECH P/L	ANNUAL SERVICE & CALIBRATION OF SAMPLING EQUIPMENT	4,394.50
EFT47519	02/08/2021	ELAN ENERGY MATRIX	TYRE DISPOSAL COSTS	7.81
EFT47520	02/08/2021	ELK FISH ROBOTICS PTY LTD	BATTERY PURCHASE	33.99

**CEO's DELEGATED PAYMENTS LIST  
FOR THE MONTH OF AUGUST 2021**

Cheque / EFT No	Date	Payee		Amount
EFT47521	02/08/2021	EUROFINS ARL PTY LTD T/AS EUROFINS	SAMPLE TESTING - WATER & WOODCHIPS & PFAS SOIL ANALYSIS	11,755.70
EFT47522	02/08/2021	EVERSAFE FIRE PROTECTION	FIRE FIGHTING EQUIPMENT SERVICE & INSPECTION	1,622.50
EFT47523	02/08/2021	FLEET DYNAMICS PTY LTD	MONTHLY EQUIPMENT HIRE FEE	40.00
EFT47524	02/08/2021	FOCUS ENVIRO	PLANT PARTS	5,647.33
EFT47525	02/08/2021	FRESH VENTURE GROUP PTY LTD T/AS FRUIT AT WORK	STAFF AMENITIES	1,128.00
EFT47526	02/08/2021	FUELFIX PTY LTD	EQUIPMENT HIRE	730.72
EFT47527	02/08/2021	GHD PTY LTD	CONSULTANCY FEE - STRATEGIC REVIEW & PERMANENT FOGO PROCESSING FACILITY	6,246.48
EFT47528	02/08/2021	GREENS ELECTRICAL SERVICE	ELECTRICAL MAINTENANCE AT RED HILL SITE	114.63
EFT47529	02/08/2021	GUTTER-VAC MIDLAND - TSK VENTURES PTY LTD	BUILDING MAINTENANCE - RED HILL	1,250.00
EFT47530	02/08/2021	HARTAC SALES & DISTRIBUTION PTY LTD	EQUIPMENT PURCHASE - WWtE	9,506.31
EFT47531	02/08/2021	HECS FIRE	FIRE EQUIPMENT INSPECTION & SERVICE	286.00
EFT47532	02/08/2021	HOPGOODGANIM LAWYERS	PROBITY SERVICES - PERMANENT FOGO FACILITY	1,980.00
EFT47533	02/08/2021	ILLION AUSTRALIA PTY LTD ( DUN & BRADSTREET)	ONLINE CREDIT REFERENCE CHECKS	105.60
EFT47534	02/08/2021	J & K HOPKINS	OFFICE EQUIPMENT PURCHASES	625.00
EFT47535	02/08/2021	JASON SIGNMAKERS	SIGNAGE	7,412.62
EFT47536	02/08/2021	JBS&G AUSTRALIA P/L T/A STRATEGEN JBS&G	CONSULTING FEE - WWtE	6,496.88
EFT47537	02/08/2021	JCB CONSTRUCTION EQUIPMENT AUSTRALIA (CFC HOLDINGS- PLANT SERVICE & MAINTENANCE CEA; JCB CEA; DYNAPAC CEA)		638.64
EFT47538	02/08/2021	KOOL KREATIVE	CIRCULAR ECONOMY MASTERCLASS ITEMS	4,323.00
EFT47539	02/08/2021	KOTT GUNNING LAWYERS	LEGAL ADVICE & CONTRACT PREPARATION	6,747.84
EFT47540	02/08/2021	LAW CENTRAL LEGAL PTY LTD T/AS LAW CENTRAL LEGAL	LEGAL ADVICE	17,164.50
EFT47541	02/08/2021	LESSEN WITH PEG RETHINK WASTE	WORKSHOP PRESENTATION FEE - WASTE EDUCATION	200.00
EFT47542	02/08/2021	LIFTRITE HIRE & SALES	PLANT PARTS	316.65
EFT47543	02/08/2021	MAIL PLUS PERTH	MAIL EXPENSES	369.60
EFT47544	02/08/2021	MAJOR SECURITY SERVICES PTY LTD	SECURITY MONITORING	3,143.94
EFT47545	02/08/2021	MANDALAY TECHNOLOGIES PTY LTD	ADDITIONAL SOFTWARE FOR RED HILL WEIGHBRIDGE	2,022.90
EFT47546	02/08/2021	MARKET CREATIONS PTY LTD	IT SUPPORT	6,188.60
EFT47547	02/08/2021	MCLEODS BARRISTERS & SOLICITORS	LEGAL ADVICE	18,581.85
EFT47548	02/08/2021	METRO MOTORS (2010) PTY LTD	VEHICLE SERVICES	999.05
EFT47549	02/08/2021	MJ & AR BAMFORD CONSULTING ECOLOGISTS	PRESENTATION FEE - FIRE AND THE ECOLOGY BSFTH WORKSHOP	440.00
EFT47550	02/08/2021	NANI CREATIVE - K.T. WILSON & L.P. WOOD T/AS	INNOVATE RAP - CONCEPT DESIGN & LAYOUT - EVOLUTION OF GREENPAGE CONCEPT	3,850.00
EFT47551	02/08/2021	NORTHAM'S AVON DESCENT ASSOCIATION	SPONSORSHIP AGREEMENT - AVON DESCENT FAMILY FUN DAY	2,200.00
EFT47552	02/08/2021	OCCUHEALTH	VALIDATE PERSONAL GAS DETECTORS SELECTION - WWtE	385.00
EFT47553	02/08/2021	OFFICE LINE GROUP	PURCHASE OF OFFICE EQUIPMENTS	2,271.50
EFT47554	02/08/2021	OFFICEWORKS	NAME BADGES	98.38
EFT47555	02/08/2021	ONSITE RENTALS PTY LTD	EQUIPMENT RENTAL	501.66
EFT47556	02/08/2021	OTIS ELEVATOR COMPANY PTY LTD	QUARTERLY SERVICE - LIFT	1,735.66
EFT47557	02/08/2021	OTTERSON ASSOCIATES PTY LTD	SUPPLY & INSTALL SPARK DETECTOR IN GRINDER AT HAZELMERE	6,020.30
EFT47558	02/08/2021	PERTH BIN HIRE - IWM (PBH) PTY LTD T/A	SKIP BIN HIRE	990.00
EFT47559	02/08/2021	PERTH PRINTING	PRINTING OF NCR PERMIT BOOKS	1,634.00
EFT47560	02/08/2021	PIRTEK MALAGA - JH FLUID TRANSFER SOLUTIONS T/AS	PLANT MAINTENANCE & SERVICE	781.43
EFT47561	02/08/2021	PIRTEK MIDLAND (M & B HYDRAULICS PTY LTD)	HYDRAULIC HOSE SUPPLIES & REPAIRS	2,161.18
EFT47562	02/08/2021	PR POWER PTY LTD	PLANT PARTS	13,760.95
EFT47563	02/08/2021	PRESTIGE ALARMS	SECURITY MAINTENANCE - RED HILL	154.00
EFT47564	02/08/2021	PROTECTOR FIRE SERVICES	FIRE FIGHTING EQUIPMENT MAINTENANCE AT HAZELMERE	3,694.67
EFT47565	02/08/2021	PRUDENTIAL INVESTMENT SERVICES CORP P/L	INVESTMENT ADVISORY SERVICES	2,012.88

**CEO's DELEGATED PAYMENTS LIST  
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Cheque / EFT No	Date	Payee		Amount
EFT47566	02/08/2021	QUAD SERVICES PTY LTD	CLEANING SERVICES & CONSUMABLES -ASCOT PLACE	84.92
EFT47567	02/08/2021	RELATIONSHIPS AUSTRALIA WA INC	EAP - COUNSELLING FEES	462.00
EFT47568	02/08/2021	REMONDIS AUSTRALIA PTY LTD	COLLECTION OF PAPER RECYCLABLES	24.20
EFT47569	02/08/2021	RENTOKIL INITIAL PTY LTD	QUARTERLY PEST CONTROL SERVICE	1,173.57
EFT47570	02/08/2021	RUDD INDUSTRIAL AND FARM SUPPLIES	HARDWARE SUPPLIES	790.58
EFT47571	02/08/2021	SEME SOLUTIONS PTY LTD	EQUIPMENT REPAIR - WEIGHBRIDGE CAMERA CABLE	453.75
EFT47572	02/08/2021	SHIRE OF MUNDARING	CONDUCT PRESCRIBED BURN AT RED HILL	3,000.00
EFT47573	02/08/2021	SHOWCASE CATERING	CATERING COSTS	12,496.00
EFT47574	02/08/2021	SMEC AUSTRALIA PTY LTD	CONSULTING FEE - CONSTRUCTION OF STAGE 16 AT RED HILL	50,419.60
EFT47575	02/08/2021	SNAP BELMONT (BELSNAP PTY LTD)	PRINTING COSTS - DOCKET BOOKS FOR COPPIN ROAD	917.40
EFT47576	02/08/2021	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL	1,177.00
EFT47577	02/08/2021	SOURCE MY PARTS	PLANT PARTS	426.06
EFT47578	02/08/2021	SPUDS GARDENING SERVICES	SITE REHABILITATION - RED HILL	1,030.00
EFT47579	02/08/2021	ST JOHN AMBULANCE ASSOCIATION	RESTOCK FIRST AID KITS	5.50
EFT47580	02/08/2021	SWAN FIRE SERVICES	SERVICE MAINTENANCE - FIRE PROTECTION SYSTEM AT HAZELMERE	173.80
EFT47581	02/08/2021	TALIS CONSULTANTS	CONSULTING FEE - WASTE SERVICES RELATED MATTERS	17,143.50
EFT47582	02/08/2021	TENDERLINK	ADVERTISING COSTS - TENDER	184.80
EFT47583	02/08/2021	THE WATERSHED	VARIOUS FITTINGS FOR FOGO PUMPS	36.83
EFT47584	02/08/2021	TIM DAVIES LANDSCAPING PTY LTD (TDL)	GARDEN MAINTENANCE ASCOT PLACE	1,014.99
EFT47585	02/08/2021	TOTALLY WORKWEAR MIDLAND	PROTECTIVE CLOTHING	1,532.35
EFT47586	02/08/2021	TRADEFAIRE INTERNATIONAL PTY LTD (PREVIOUSLY ACCESS INDUSTRIAL TYRES #3106)	TYRE PUNCTURE REPAIRS	222.75
EFT47587	02/08/2021	TRAVIS HAYTO PHOTOGRAPHY	CIRCULAR ECONOMY MASTERCLASS PHOTOGRAPHY	1,155.00
EFT47588	02/08/2021	TREBLEX INDUSTRIAL	HARDWARE SUPPLIES	187.00
EFT47589	02/08/2021	TRILLION TREES	PURCHASE OF SEEDLINGS	2,474.55
EFT47590	02/08/2021	TUTT BRYANT EQUIPMENT (BT EQUIPMENT PTY LTD)	SERVICE AGREEMENT & MAINTENANCE	7,387.44
EFT47591	02/08/2021	TYREPOWER MUNDARING	PUNCTURE REPAIR & TYRE REPLACEMENTS	778.00
EFT47592	02/08/2021	VOLICH WASTE CONTRACTORS PTY LTD	BULK BIN HIRE	44.00
EFT47593	02/08/2021	WA HINO SALES AND SERVICE	SERVICE MAINTENANCE - HOOKLIFT TRUCKS	1,083.25
EFT47594	02/08/2021	WESTRAC EQUIPMENT PTY LTD	PLANT SERVICE AGREEMENT & PLANT PARTS	10,313.20
EFT47595	02/08/2021	WINC AUSTRALIA PTY LTD	STATIONERY & CONSUMABLES	835.78
EFT47596	02/08/2021	WORK CLOBBER	PROTECTIVE CLOTHING	848.15
EFT47597	02/08/2021	WREN OIL	WASTE OIL REMOVAL	2,552.00
EFT47598	03/08/2021	ANTHONY WALSH ATF 88 FAMILY TRUST T/A ADVANCED LIQUID WASTE	PUMP OUT WASTE FROM WHEEL WASH AT RED HILL	2,135.88
EFT47599	03/08/2021	BIN BATH AUSTRALIA PTY LTD	BIN CLEANING	134.42
EFT47600	03/08/2021	CIVIL AUTO ELECTRICS PTY LTD	PLANT REPAIRS	828.85
EFT47601	03/08/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	4,402.73
EFT47602	03/08/2021	LO-GO APPOINTMENTS	LABOUR HIRE	1,578.15
EFT47603	03/08/2021	SYNERGY	ELECTRICITY CHARGES - HAZELMERE	1,719.37
EFT47604	03/08/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	374.27
EFT47605	06/08/2021	AUSCO MODULAR PTY LTD	PLANT HIRE - HAZELMERE	49.50
EFT47606	06/08/2021	CJD EQUIPMENT PTY LTD	PLANT MAINTENANCE, PARTS & SERVICE	1,473.64
EFT47607	06/08/2021	HEHERSON GAYAGOY	BUILDING MAINTENANCE - ASCOT PLACE	385.00
EFT47608	06/08/2021	HITACHI CONSTRUCTION MACHINERY (AUSTRALIA) PTY LTD	PLANT REPAIR & MAINTENANCE AT BAYWASTE	943.99
EFT47609	06/08/2021	PERTH IS OK - KELLEWAY WHELAN HOLDINGS PTY LTD T/A	ADVERTISING - FLOOD AWARENESS CAMPAIGN	2,805.00
EFT47610	06/08/2021	SHAYDE HOLBREY	STAFF REIMBURSEMENT	102.50

**CEO's DELEGATED PAYMENTS LIST  
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EFT47611	10/08/2021	AUSCO MODULAR PTY LTD	PLANT HIRE - HAZELMERE	49.50
EFT47612	10/08/2021	CHILD SUPPORT	EMPLOYEE DEDUCTION	352.70
EFT47613	10/08/2021	CIVIL AUTO ELECTRICS PTY LTD	PLANT REPAIRS	363.55
EFT47614	10/08/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	3,035.61
EFT47615	10/08/2021	MAJOR SECURITY SERVICES PTY LTD	SECURITY MONITORING	1,910.82
EFT47616	10/08/2021	PAYG PAYMENTS	PAYG TAXATION PAYMENT	83,316.00
EFT47617	10/08/2021	SOFT LANDING - GREAT LAKES COMMUNITY RESOURCES INCORPORATED T/A	COLLECTION & DISPOSAL OF MATTRESSES AT HAZELMERE	49,087.50
EFT47618	10/08/2021	SYNERGY	ELECTRICITY CHARGES - RED HILL	113.14
EFT47619	10/08/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	498.85
EFT47620	13/08/2021	A2K TECHNOLOGIES PTY LTD	ANNUAL SUBSCRIPTION RENEWAL	2,997.50
EFT47621	13/08/2021	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER)	CONTROL WASTE TRACKING	132.00
EFT47622	13/08/2021	KLB SYSTEMS	COMPUTER HARDWARE PURCHASES	3,113.00
EFT47623	13/08/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	8,369.89
EFT47624	13/08/2021	MOTORCHARGE PTY LTD	FLEET FUEL PURCHASES	2,617.91
EFT47625	13/08/2021	TALIS CONSULTANTS	CONSULTING FEE - PRELIMINARY EARTHWORK ON LOTS 8, 9 & 10 AND ASSET MANAGEMENT PLANS FOR EMRC	9,824.38
EFT47626	13/08/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	280.49
EFT47627	17/08/2021	AIR FILTER DRY CLEAN SYSTEMS WA	CLEAN & SERVICES FILTERS	78.32
EFT47628	17/08/2021	ANTHONY WALSH ATF 88 FAMILY TRUST T/A ADVANCED LIQUID WASTE	PUMP OUT WHEEL WASH SUMPS AT RED HILL	914.38
EFT47629	17/08/2021	CITY OF BAYSWATER	DIVIDEND DISTRIBUTION	968,272.68
EFT47630	17/08/2021	CITY OF BELMONT	DIVIDEND DISTRIBUTION	622,278.88
EFT47631	17/08/2021	CITY OF KALAMUNDA	DIVIDEND DISTRIBUTION	828,393.92
EFT47632	17/08/2021	CITY OF SWAN	DIVIDEND DISTRIBUTION	1,982,306.10
EFT47633	17/08/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE	8,725.44
EFT47634	17/08/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	4,242.33
EFT47635	17/08/2021	LO-GO APPOINTMENTS	LABOUR HIRE	2,010.54
EFT47636	17/08/2021	PERTH BIN HIRE - IWM (PBH) PTY LTD T/A	SKIP BIN HIRE	6,141.00
EFT47637	17/08/2021	SHIRE OF MUNDARING	DIVIDEND DISTRIBUTION	473,761.20
EFT47638	17/08/2021	TOWN OF BASSENDEAN	DIVIDEND DISTRIBUTION	110,975.20
EFT47639	17/08/2021	WATERLOGIC AUSTRALIA PTY LTD	EQUIPMENT RENTAL	547.03
EFT47640	17/08/2021	WELD EAST FABRICATORS	EQUIPMENT MAINTENANCE	516.32
EFT47641	20/08/2021	DEPUTY COMMISSIONER OF TAXATION	GST PAYMENT	222,207.00
EFT47642	20/08/2021	BIOBAGWORLD AUSTRALIA PTY LTD	PURCHASE OF CADDY LINER ROLLS	11,412.09
EFT47643	20/08/2021	BP AUSTRALIA PTY LTD	FUEL PURCHASES	63,920.23
EFT47644	20/08/2021	CASTROL AUSTRALIA PTY LTD	OIL PURCHASES	262.46
EFT47645	20/08/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE	3,971.12
EFT47646	20/08/2021	FLEXI STAFF PTY LTD	LABOUR HIRE	1,971.75
EFT47647	20/08/2021	RUDD INDUSTRIAL AND FARM SUPPLIES	HARDWARE SUPPLIES	234.99
EFT47648	20/08/2021	SYNERGY	ELECTRICITY CHARGES - RED HILL	6,986.67
EFT47649	20/08/2021	WEST TIP WASTE CONTROL	SKIP BIN HIRE	1,441.00
EFT47650	24/08/2021	AMER SAABI	STAFF REIMBURSEMENT	49.98
EFT47651	24/08/2021	ANTHONY WALSH ATF 88 FAMILY TRUST T/A ADVANCED LIQUID WASTE	PUMP OUT WHEEL WASH SUMPS AT RED HILL	1,299.38
EFT47652	24/08/2021	AUSTRALIAN ENVIRONMENTAL BUSINESS NETWORK	ANNUAL MEMBERSHIP FEE - BALANCE OF PAYMENT	1,520.00
EFT47653	24/08/2021	BUNNINGS GROUP LTD	HARDWARE SUPPLIES	89.57
EFT47654	24/08/2021	CHILD SUPPORT	EMPLOYEE DEDUCTION	352.70
EFT47655	24/08/2021	GRANT NICHOLSON CEILINGS	HAZELMERE ADMINISTRATION WORKSHOP WORK	7,315.00

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EFT47656	24/08/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	3,901.35
EFT47657	24/08/2021	LO-GO APPOINTMENTS	LABOUR HIRE	1,972.52
EFT47658	24/08/2021	PAYG PAYMENTS	PAYG TAXATION PAYMENT	82,776.00
EFT47659	24/08/2021	PERTH ENERGY PTY LTD	GAS SUPPLY - WWtE	146.97
EFT47660	24/08/2021	PERTH EXPOHIRE & FURNITURE GROUP	EXHIBITION BOOTH FOR WASTE & RECYCLE CONFERENCE & LGA	9,572.09
EFT47661	24/08/2021	SNAPPER DISPLAY SYSTEM	EXHIBITION EVENT OFFICE EQUIPMENT	508.57
EFT47662	24/08/2021	STRATA CORPORATION P/L T/A STRATAGREEN	EQUIPMENT PURCHASES	1,009.80
EFT47663	24/08/2021	SYNERGY	ELECTRICITY CHARGES - ASCOT PLACE	5,401.56
EFT47664	24/08/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	5,726.28
EFT47665	27/08/2021	DOOLEE CONSTRUCTION PTY LTD	WWtE PAYMENT RE EMRC / ANERGY AGREEMENT	14,810.30
EFT47666	27/08/2021	SPECTRUM WELDING PTY LTD	WWtE PAYMENT RE EMRC / ANERGY AGREEMENT	26,180.00
EFT47667	27/08/2021	DINGO BUS CHARTER	BUS HIRE	500.01
EFT47668	27/08/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE	4,140.93
EFT47669	27/08/2021	FLEXI STAFF PTY LTD	LABOUR HIRE	1,971.75
EFT47670	27/08/2021	GATEWAY HYDRAULICS	PLANT REPAIR	1,595.00
EFT47671	27/08/2021	LGIS	INSURANCE PREMIUM ADJUSTMENT	3,059.99
EFT47672	27/08/2021	MARKETFORCE	ADVERTISING - VARIOUS PUBLIC NOTICES	5,292.15
EFT47673	27/08/2021	NEVILLE REFRIGERATION & AIRCONDITIONING	DEGASSING OF FRIDGES & AIRCONDITIONERS - HAZELMERE	660.00
EFT47674	27/08/2021	SOUTHERN CROSS PROTECTION	COURIER SERVICE	132.00
EFT47675	27/08/2021	WORLDWIDE PRINTING SOLUTIONS CANNINGTON	PRINTING COSTS - POSTCARDS	264.00
EFT47676	31/08/2021	AUSCO MODULAR PTY LTD	PLANT HIRE - HAZELMERE	2,664.14
EFT47677	31/08/2021	AUSTRALIA POST - ASCOT PLACE	POSTAL CHARGES	92.88
EFT47678	31/08/2021	CAVALIER PORTABLES & PARK HOMES	PLANT HIRE - WWtE	1,429.99
EFT47679	31/08/2021	CDM AUSTRALIA	REPLACEMENT CORE SWITCH UNITS - ASCOT PLACE	124,512.76
EFT47680	31/08/2021	CITY OF SWAN	COUNCIL RATES - RED HILL & HAZELMERE	39,743.81
EFT47681	31/08/2021	CIVIL AUTO ELECTRICS PTY LTD	PLANT REPAIRS	2,184.05
EFT47682	31/08/2021	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (DWER)	CONTROL WASTE TRACKING	220.00
EFT47683	31/08/2021	FUJIFILM BUSINESS INNOVATION AUSTRALIA PTY LTD	PHOTOCOPIER MAINTENANCE & SUPPLIES	748.77
EFT47684	31/08/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	1,870.13
EFT47685	31/08/2021	SYNERGY	ELECTRICITY CHARGES - HAZELMERE	12,068.57
EFT47686	31/08/2021	YOGA BY LAUREN CATALANO	STAFF HEALTH PROMOTION	720.00
220603	11/08/2021	EMRC PETTY CASH - BAYWASTE	PETTY CASH RECOUP	15.00
220604	11/08/2021	EMRC PETTY CASH - BELMONT	PETTY CASH RECOUP	267.95
220605	11/08/2021	EMRC PETTY CASH - COPPIN ROAD	PETTY CASH RECOUP	83.90
220606	11/08/2021	EMRC PETTY CASH - HAZELMERE	PETTY CASH RECOUP	199.75
220607	11/08/2021	EMRC PETTY CASH - MATHIESON ROAD	PETTY CASH RECOUP	15.25
220608	11/08/2021	EMRC PETTY CASH - RED HILL	PETTY CASH RECOUP	26.10
220609	12/08/2021	WATER CORPORATION	WATER RATES & USAGE - ASCOT PLACE	582.28
PAY 2022-3	04/08/2021	PAYROLL FE 1/8/21	NET PAYROLL	247,896.39
PAY 2022-4	18/08/2021	PAYROLL FE 15/8/21	NET PAYROLL	246,760.77
PAY 2022-5	01/09/2021	PAYROLL FE 29/8/21	NET PAYROLL	239,165.46
1*AUG21	02/08/2021	BANK CHARGES (1942 - 1946)	BANK FEES AND CHARGES	2,170.70
DD22509.1	01/08/2021	AWARE SUPER PTY LTD (FORMALLY FIRST STATE SUPER)	SUPERANNUATION	27,323.12
DD22509.2	01/08/2021	ONEPATH MASTERFUND (ANZ)	SUPERANNUATION	133.10
DD22509.3	01/08/2021	PLUM SUPERANNUATION FUND ( MLC )	SUPERANNUATION	1,910.42

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DD22509.4	01/08/2021	MARANI SUPER FUND	1,098.80
DD22509.5	01/08/2021	HUB24 SUPER FUND	236.35
DD22509.6	01/08/2021	MY NORTH SUPER (THE TRUSTEE FOR WEALTH PERSONAL SUPERANNUATION & PENSION FUND)	1,233.16
DD22509.7	01/08/2021	MERCER SMART SUPER PLAN	405.24
DD22509.8	01/08/2021	CBUS INDUSTRY SUPER	1,634.93
DD22509.9	01/08/2021	AUSTRALIAN ETHICAL SUPER	332.73
DD22509.10	01/08/2021	BT SUPER FOR LIFE	873.93
DD22509.11	01/08/2021	TELSTRA SUPERANNUATION SCHEME	264.38
DD22509.12	01/08/2021	AMP FLEXIBLE LIFETIME SUPER	1,420.07
DD22509.13	01/08/2021	COMMONWEALTH ESSENTIAL SUPER	295.86
DD22509.14	01/08/2021	SPIRIT SUPER/THE TRUSTEE FOR SPIRIT SUPER	343.79
DD22509.15	01/08/2021	PRIME SUPER	229.05
DD22509.16	01/08/2021	IOOF EMPLOYER SUPER	241.05
DD22509.17	01/08/2021	FUTURE SUPER	129.37
DD22509.18	01/08/2021	UNISUPER	129.91
DD22509.19	01/08/2021	BT LIFETIME SUPER - EMPLOYER PLAN	228.81
DD22509.20	01/08/2021	COLONIAL FIRST STATE FIRSTCHOICE	124.49
DD22509.21	01/08/2021	LEGALSUPER	458.63
DD22509.22	01/08/2021	HOSTPLUS SUPERANNUATION FUND	4,698.86
DD22509.23	01/08/2021	AUSTRALIAN SUPER	4,315.06
DD22509.24	01/08/2021	MLC SUPER FUND	828.11
DD22509.25	01/08/2021	RETAIL EMPLOYEES SUPERANNUATION TRUST (REST SUPER)	1,757.46
DD22509.26	01/08/2021	SUNSUPER	261.04
DD22509.27	01/08/2021	ZURICH MASTER SUPERANNUATION FUND	337.92
DD22510.1	15/08/2021	AWARE SUPER PTY LTD (FORMALLY FIRST STATE SUPER)	26,426.66
DD22510.2	15/08/2021	ONEPATH MASTERFUND (ANZ)	173.32
DD22510.3	15/08/2021	PLUM SUPERANNUATION FUND ( MLC )	1,856.66
DD22510.4	15/08/2021	MARANI SUPER FUND	1,098.80
DD22510.5	15/08/2021	HUB24 SUPER FUND	227.22
DD22510.6	15/08/2021	MY NORTH SUPER (THE TRUSTEE FOR WEALTH PERSONAL SUPERANNUATION & PENSION FUND)	1,179.53
DD22510.7	15/08/2021	MERCER SMART SUPER PLAN	339.11
DD22510.8	15/08/2021	CBUS INDUSTRY SUPER	1,566.51
DD22510.9	15/08/2021	AUSTRALIAN ETHICAL SUPER	321.49
DD22510.10	15/08/2021	BT SUPER FOR LIFE	824.57
DD22510.11	15/08/2021	TELSTRA SUPERANNUATION SCHEME	254.95
DD22510.12	15/08/2021	AMP FLEXIBLE LIFETIME SUPER	1,666.56
DD22510.13	15/08/2021	COMMONWEALTH ESSENTIAL SUPER	285.48
DD22510.14	15/08/2021	SPIRIT SUPER/THE TRUSTEE FOR SPIRIT SUPER	312.51
DD22510.15	15/08/2021	PRIME SUPER	228.87
DD22510.16	15/08/2021	IOOF EMPLOYER SUPER	242.00
DD22510.17	15/08/2021	VISION SUPER PTY LTD	54.28
DD22510.18	15/08/2021	UNISUPER	134.08
DD22510.19	15/08/2021	BT LIFETIME SUPER - EMPLOYER PLAN	229.52
DD22510.20	15/08/2021	COLONIAL FIRST STATE FIRSTCHOICE	192.52
DD22510.21	15/08/2021	LEGALSUPER	435.77





Eastern Metropolitan Regional Council

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DD22510.22	15/08/2021	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION	4,542.57
DD22510.23	15/08/2021	AUSTRALIAN SUPER	SUPERANNUATION	4,739.13
DD22510.24	15/08/2021	MLC SUPER FUND	SUPERANNUATION	842.44
DD22510.25	15/08/2021	RETAIL EMPLOYEES SUPERANNUATION TRUST (REST SUPER)	SUPERANNUATION	1,703.51
DD22510.26	15/08/2021	SUNSUPER	SUPERANNUATION	250.81
DD22510.27	15/08/2021	ZURICH MASTER SUPERANNUATION FUND	SUPERANNUATION	324.81
1982	16/08/2021	WBC - CORPORATE MASTERCARD - BRADLEY LACEY	CREDIT CARD PURCHASES	1,160.00
1983	16/08/2021	WBC - CORPORATE MASTERCARD - D AMEDURI	CREDIT CARD PURCHASES	1,798.64
1984	16/08/2021	WBC - CORPORATE MASTERCARD - DAVID SCHMIDT	CREDIT CARD PURCHASES	4,581.31
1985	16/08/2021	WBC - CORPORATE MASTERCARD - IZABELLA KRZYSKO	CREDIT CARD PURCHASES	63.30
1986	16/08/2021	WBC - CORPORATE MASTERCARD - KERRY WILSON	CREDIT CARD PURCHASES	299.55
1987	16/08/2021	WBC - CORPORATE MASTERCARD - S FITZPATRICK	CREDIT CARD PURCHASES	615.93
1988	16/08/2021	WBC - CORPORATE MASTERCARD - T BEINHAEUER	CREDIT CARD PURCHASES	1,269.69
1989	16/08/2021	WBC - CORPORATE MASTERCARD - T ECKSTEIN	CREDIT CARD PURCHASES	1,105.36
1990	16/08/2021	WBC - CORPORATE MASTERCARD - Z WILLIAMSON	CREDIT CARD PURCHASES	899.05
1991	19/08/2021	MACQUARIE BANK LIMITED - SYDNEY	TERM DEPOSIT INVESTMENT	1,000,000.00
1992	20/08/2021	MACQUARIE BANK LIMITED - SYDNEY	TERM DEPOSIT INVESTMENT	2,000,000.00
1993	23/08/2021	AUSTRACLEAR LIMITED (ASX)	FINANCIAL SERVICES FEE	22.55
1994	30/08/2021	NATIONAL AUSTRALIA BANK	TERM DEPOSIT INVESTMENT	3,000,000.00
1995	31/08/2021	MACQUARIE BANK LIMITED - SYDNEY	TERM DEPOSIT INVESTMENT	1,000,000.00
<b>SUB TOTAL</b>				<b>14,153,518.25</b>
<b>LESS CANCELLED EFTs &amp; CHEQUES</b>				<b>Nil</b>
<b>TOTAL</b>				<b>14,153,518.25</b>

REPORT

Bank Code Bank

EMRC - Municipal Fund

14,153,518.25

All Employee Superannuation obligations for the period of August 2021 have been paid by the EMRC.

## **14.2 FINANCIAL REPORT FOR PERIOD ENDED 31 AUGUST 2021**

**D2021/17531**

### **PURPOSE OF REPORT**

The purpose of this report is to provide Council with an overview of the EMRC's financial performance for the period ended 31 August 2021.

### **KEY POINTS**

- Significant year to date budget variances greater than 10% or \$20,000, whichever is the greater, within each nature and type category on the Statement of Comprehensive Income as at 31 August 2021 have been identified and are reported on in the body of the report.

### **RECOMMENDATIONS**

That Council receives the Statement of Comprehensive Income, Capital Expenditure Statement, Statement of Financial Position, Statement of Cash and Investments and the Investment Report for the period ended 31 August 2021.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

- 1 It is a requirement of the Local Government (Financial Management) Regulations 1996 (r.34) that a Local Government is to prepare and present to Council financial reports in such a form as the Local Government considers to be appropriate.
- 2 Submitted to each meeting of Council is a financial report and summaries which provide an overview of year to date budget performance for operating activities and capital works. Variances greater than 10% or \$20,000, whichever is the greater, within each nature and type category on the Statement of Comprehensive Income are reported on in the body of the report. Also included are end of year forecasts by nature and type for operating activities and end of year forecasts for each capital works project. These forecasts are reviewed regularly in order to provide an accurate forecast of the end of year result.

### **REPORT**

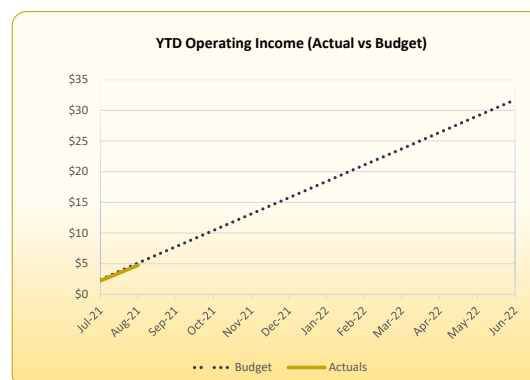
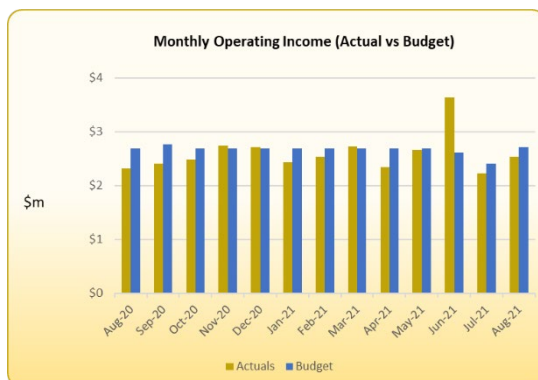
- 3 Outlined below are financial statements for the period ended 31 August 2021. Where possible the year to date monthly budget allocations will be reviewed in order to match the appropriate timing for the various projects budgeted to be undertaken. This will provide a better comparison between the year to date actual and year to date budget figures.

### Statement of Comprehensive Income - Nature and Type (refer Attachment 1)

- 4 The net operating result as at 31 August 2021 is a favourable variance of \$683,772 (113.03 %) against budget. The following information is provided on key aspects of Council's year to date financial performance:

5

<b>Operating Income</b>	Actuals for the Year	An unfavourable variance of \$354,971 (6.93%)
	End of Year Forecasts	As per budget - not yet due to be reviewed.

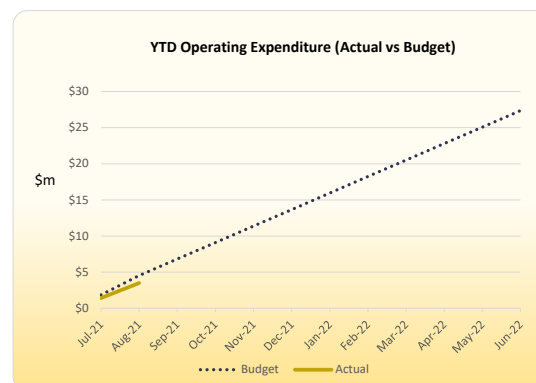
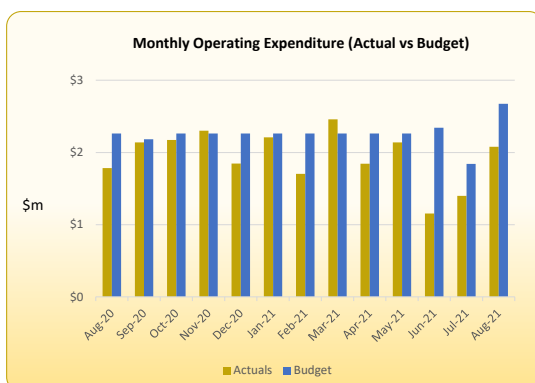


### Operating Income Variances not previously reported to Council

- 6 Year to date Interest Restricted Cash Investments of \$41,380 is below the budget by \$61,940 (59.95%) The variance is due to the lower interest rates on investments being obtained. The average interest rate as at 31 August 2021 is 0.426% compared to the budgeted interest rate of 0.375%.
- 7 There were no significant Operating Income variances as at 31 August 2021.

8

<b>Operating Expenditure</b>	Actuals for the Year	A favourable variance of \$1,038,743 (23.00%)
	End of Year Forecasts	As per budget - not yet due to be reviewed.



### Operating Expenditure Variances not previously reported to Council

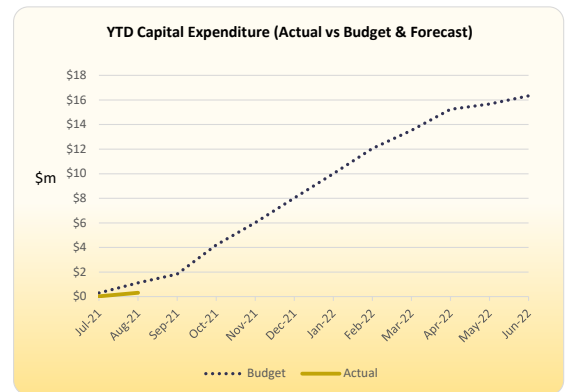
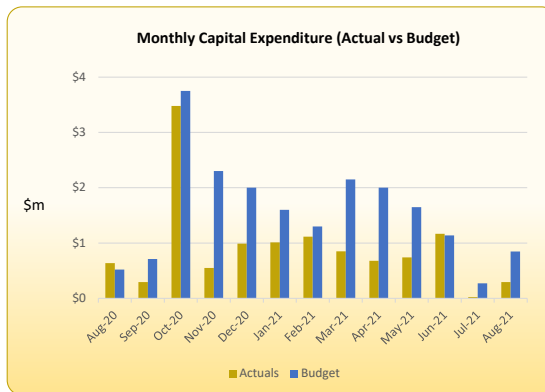
- 9 Year to date Salary Expenses of \$1,436,129 is below the budget by \$418,978 (22.59%). The variance is attributable to the vacant budgeted positions for 2021/2022 yet to be filled.
- 10 Year to date Contract Expenses of \$508,581 is below the budget by \$550,629 (51.98%) due to the timing of various projects from different business units. Areas where the expenditures are lower than budget for various directorates/business units include: CEO's (\$35,015), Business Support (\$105,175), Sustainability (\$72,957), Projects (\$85,531), and Operations (\$251,951).
- 11 Year to date Material Expenses of \$127,621 is below the budget by \$93,149 (42.19%) due to the timing of various projects from different business units. Areas where the expenditures are lower than budget for various directorates/business units include: CEO's (\$16,134), Business Support (\$6,273), Sustainability (\$6,789), Projects (\$5,161) and Operations (\$58,792).
- 12 Year to date Miscellaneous Expenses (excluding the Landfill Levy expense) is \$75,840 (41.87%) above the budget of \$181,117 due to the timing of various projects from different business units. Areas where the expenditures are lower than budget for various directorates/business units include: Business Support (\$301), Sustainability (\$6,205) and Projects (\$20,354).
- 13 This is offset by expenditure higher than budget in the CEO's business unit totalling \$4,982 and the Operations business unit totalling \$96,718.
- 14 There were no further significant Operating Expenditure variances as at 31 August 2021.

<b>Other Comprehensive Income</b>	Actuals for the Year	Nil
	End of Year Forecasts	Nil

- 15 There were no significant Other Comprehensive Income variances as at 31 August 2021.

### Capital Expenditure Statement (refer Attachment 2)

<b>Capital Expenditure</b>	Actuals for the Year	An underspent variance of \$803,939
	End of Year Forecasts	As per budget - not yet due to be reviewed.



### Capital Expenditure Variances

- 16 An underspent variance of \$803,939 existed as at 31 August 2021 when compared to the year to date budget of \$1,120,128.
- 17 Minimal capital expenditure has been undertaken to 31 August 2021 with the major capital expenditure being on the following:
- Purchase Information Technology & Communications Equipment - \$90,193;
  - Construct WWtE Building (Pre-Commissioning Costs) - HRRP - \$82,801;
  - Construct WWtE Building - HRRP - \$39,120;
  - Extension of Concrete Pad with Workshop Area - HRRP - \$21,052;
  - Construct Workshop No 3 - RHLF - \$15,661;
  - Purchase/Replace Miscellaneous Equipment - HRRP - \$15,000;
  - Purchase Plant and Equipment - HRRP - WWtE - \$11,433;

### Statement of Financial Position (refer Attachment 3)

- 18 The Statement of Financial Position shows the overall impact of actual balances compared with budget provisions and end of year forecasts for operating and capital works activities.
- 19 Total Equity as at 31 August 2021 totals \$183,434,314. This is an increase of \$1,288,719 from the 30 June 2021 equity of \$182,145,595.
- 20 As end of year forecasts are yet to be reviewed, the forecast balances as at 31 August 2020 are as per the budget estimates.

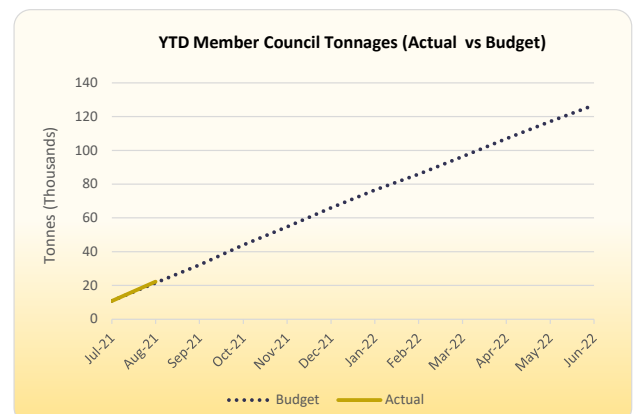
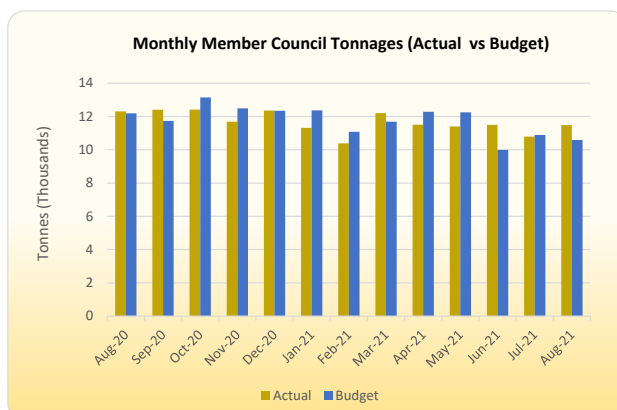
### Statement of Cash and Investments (refer Attachment 4)

- 21 The level of cash and investments in the Municipal Fund as at 31 August 2021 is \$14,214,051 and Restricted Cash amount to \$66,118,492.
- 22 The net movement for the month is a decrease of \$3,096,304.
- 23 The balance of the Municipal fund was reduced by \$4.985m in August 2021 relating to the Dividend payment to member Councils.
- 24 As end of year forecasts are yet to be reviewed, the forecast balances as at 31 August 2020 are as per the budget estimates.

### Investment Report (refer Attachment 5)

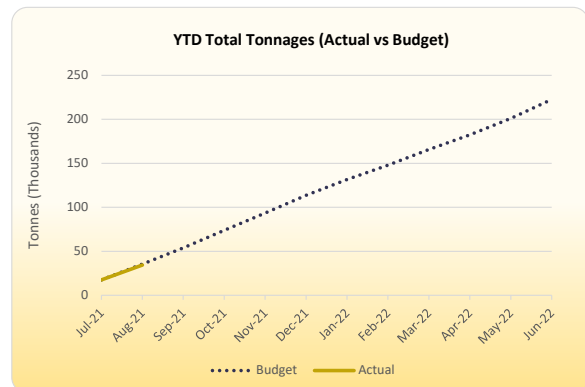
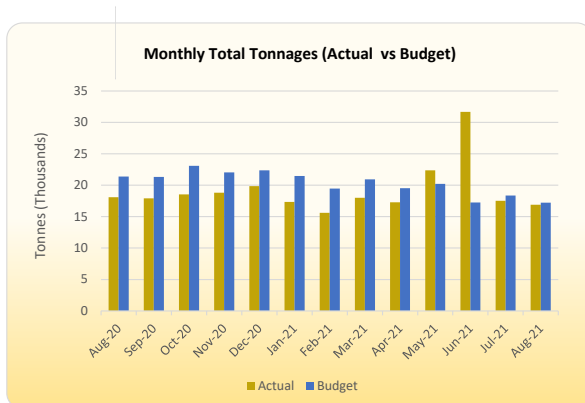
- 25 Term deposits valued at \$7,000,000 matured during August 2021. Of this amount \$4,000,000 was reinvesting into further term deposits.
- 26 As at 31 August 2021 there is a technical breach of the Investment Policy with the individual BBB rated ADI's being above the 5% threshold and the cumulative amount for BBB rated ADI's being above the 15% threshold. This has occurred as a result of cash redemptions during July and August 2021 for the payment of the quarterly landfill levy of \$3.9m in July 2021 and a further \$4.985m payment in August 2021 for the Dividend payment to member Councils.
- 27 At the time of investment in the BBB rated ADI's, these investments were in line with the policy.
- 28 If the amendments relating to the review of the Investment Policy, which has been included in this agenda (Report Item 14.3), are adopted by Council, the individual threshold for BBB rated ADI's will be increased to 20% with the cumulative threshold being increased to 40% and there will be no technical breach. Should the amendments to the policy not be adopted then as the BBB rated term deposits mature they will be reinvested into the higher rated ADI's in order to comply with the Investment Policy.

### Tonnages – Member Councils



- 29 YTD tonnages received from member Councils total 22,274 tonnes compared to the budget of 21,478 tonnes. As at the same period in 2020/2021 tonnages from member Councils totalled 25,103 tonnes (inclusive of City of Belmont tonnages of 3,024).

### Tonnages – Total Tonnages



- 30 YTD total tonnages received from all sources total 34,418 tonnes compared to the budget of 35,595 tonnes. As at the same period in 2020/2021 tonnages received from all sources totalled 36,657 tonnes.

### STRATEGIC/POLICY IMPLICATIONS

- 31 Key Result Area 3 - Good Governance
- 3.3 To provide responsible and accountable governance and management of the EMRC.
- 3.4 To continue to improve financial and asset management practices.

### FINANCIAL IMPLICATIONS

- 32 As outlined within the report and attachments

### SUSTAINABILITY IMPLICATIONS

- 33 Nil

### RISK MANAGEMENT

#### Risk – Non Compliance with Financial Regulations

Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
<ul style="list-style-type: none"> <li>➤ The financial report is scrutinised by the EMRC Council to ensure that all statutory requirements are met.</li> <li>➤ Internal Audit reviews to ensure compliance with Financial Regulations.</li> <li>➤ External Audit confirms compliance.</li> </ul>		

## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	As outlined in the report.
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

1. Statement of Comprehensive Income by Nature and Type (D2021/18205)
2. Capital Expenditure Statement (D2021/18206)
3. Statement of Financial Position (D2021/18208)
4. Statement of Cash and Investments (D2021/18209)
5. Investment Report (D2021/18210)

## VOTING REQUIREMENT

Simple Majority

## RECOMMENDATION(S)

That Council receives the Statement of Comprehensive Income, Capital Expenditure Statement, Statement of Financial Position, Statement of Cash and Investments and the Investment Report for the period ended 31 August 2021.

## COUNCIL RESOLUTION(S)

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2021.

**CARRIED UNANIMOUSLY**





# STATEMENT OF COMPREHENSIVE INCOME

## Nature and Type

Year to Date				AUGUST 2021		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance	
<b>Operating Income</b>								
\$5,107,995	\$5,594,325	(\$486,330)	(U)	User Charges	\$33,566,196	\$33,566,196	\$0	(F)
(\$1,945,826)	(\$2,136,576)	\$190,750	(F)	<u>Less</u> Landfill Levy Charges	(\$12,819,464)	(\$12,819,464)	\$0	(F)
\$3,162,169	\$3,457,749	(\$295,580)	(U)	Net User Charges	\$20,746,732	\$20,746,732	\$0	(F)
\$97,037	\$92,783	\$4,254	(F)	Special Charges	\$556,739	\$556,739	\$0	(F)
\$719,397	\$686,877	\$32,520	(F)	Secondary Waste Charge	\$4,121,290	\$4,121,290	\$0	(F)
\$20,076	\$39,890	(\$19,814)	(U)	Contributions	\$239,460	\$239,460	\$0	(F)
\$10,000	\$10,000	\$0	(F)	Operating Grants	\$398,000	\$398,000	\$0	(F)
\$32,649	\$21,998	\$10,651	(F)	Interest Municipal Cash Investments	\$132,000	\$132,000	\$0	(F)
\$41,380	\$103,320	(\$61,940)	(U)	Interest Restricted Cash Investments	\$799,975	\$799,975	\$0	(F)
\$222,932	\$241,276	(\$18,344)	(U)	Reimbursements	\$1,536,722	\$1,536,722	\$0	(F)
\$294,369	\$317,800	(\$23,431)	(U)	Other	\$2,844,278	\$2,844,278	\$0	(F)
\$166,545	\$149,832	\$16,713	(F)	Proceeds from Sale of Assets	\$351,000	\$351,000	\$0	(F)
<b>\$4,766,554</b>	<b>\$5,121,525</b>	<b>(\$354,971)</b>	<b>(U)</b>	<b>Total Operating Income</b>	<b>\$31,726,196</b>	<b>\$31,726,196</b>	<b>\$0</b>	<b>(F)</b>
<b>Operating Expenditure</b>								
\$1,436,129	\$1,855,107	\$418,978	(F)	Salary Expenses	\$11,174,794	\$11,174,794	\$0	(F)
\$508,581	\$1,059,210	\$550,629	(F)	Contract Expenses	\$6,429,257	\$6,429,257	\$0	(F)
\$127,621	\$220,770	\$93,149	(F)	Material Expenses	\$1,347,539	\$1,347,539	\$0	(F)
\$38,752	\$51,332	\$12,580	(F)	Utility Expenses	\$310,375	\$310,375	\$0	(F)
\$115,617	\$120,008	\$4,391	(F)	Fuel Expenses	\$720,135	\$720,135	\$0	(F)
\$51,000	\$51,520	\$520	(F)	Insurance Expenses	\$310,604	\$310,604	\$0	(F)
\$672,270	\$724,366	\$52,096	(F)	Depreciation Expenses	\$4,826,380	\$4,826,380	\$0	(F)
\$256,957	\$181,117	(\$75,840)	(U)	Miscellaneous Expenses	\$1,261,747	\$1,261,747	\$0	(F)
\$120,694	\$132,310	\$11,616	(F)	Provision Expenses	\$793,871	\$793,871	\$0	(F)
(\$5,534)	(\$17,856)	(\$12,322)	(U)	Costs Allocated	(\$89,343)	(\$89,343)	\$0	(F)
\$155,748	\$138,694	(\$17,054)	(U)	Carrying Amount of Assets Disposed Of	\$284,165	\$284,165	\$0	(F)
<b>\$3,477,835</b>	<b>\$4,516,578</b>	<b>\$1,038,743</b>	<b>(F)</b>	<b>Total Operating Expenditure</b>	<b>\$27,369,524</b>	<b>\$27,369,524</b>	<b>\$0</b>	<b>(F)</b>
<b>\$1,288,719</b>	<b>\$604,947</b>	<b>\$683,772</b>	<b>(F)</b>	<b>NET RESULT BEFORE OTHER COMPREHENSIVE INCOME</b>	<b>\$4,356,672</b>	<b>\$4,356,672</b>	<b>\$0</b>	<b>(F)</b>
Surplus	Surplus				Surplus	Surplus		
<b>Other Comprehensive Income</b>								
\$0	\$0	\$0	(F)	Revaluation of Assets/Accumulated Depreciation Reversal	\$0	\$0	\$0	(F)
<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(F)</b>	<b>Total Other Comprehensive Income</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(F)</b>
<b>\$1,288,719</b>	<b>\$604,947</b>	<b>\$683,772</b>	<b>(F)</b>	<b>CHANGE IN NET ASSETS FROM OPERATIONS</b>	<b>\$4,356,672</b>	<b>\$4,356,672</b>	<b>\$0</b>	<b>(F)</b>
Surplus	Surplus				Surplus	Surplus		

## Notes:

1. User Charges - include member Councils and casual users pertaining to waste, risk management and environmental services fees and charges;
2. Special Charges - Waste Education Levy;
3. Contributions - member Councils' contributions to projects and services;
4. Operating Grants - grant income predominantly from government agencies; and
5. Other Operating Income - includes income from the sale of products;

(F) denotes Favourable variance and (U) denotes Unfavourable variance



# CAPITAL EXPENDITURE STATEMENT

## AUGUST 2021

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
CEO's Team							
\$0	\$0	\$0	\$0	Purchase Information Technology & Communication Equipment - Councillors ( 24550/01 )	\$30,000	\$30,000	\$0
\$0	\$0	\$0	\$0	Purchase Art Works ( 24620/00 )	\$10,000	\$10,000	\$0
\$0	\$0	\$0	\$0		\$40,000	\$40,000	\$0



# CAPITAL EXPENDITURE STATEMENT

AUGUST 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
Business Support							
\$0	\$0	\$0	\$86,509	Purchase Vehicles - Ascot Place ( 24440/00 )	\$266,000	\$266,000	\$0
\$0	\$0	\$0	\$0	Purchase Furniture Fittings & Equipment - Corporate Services ( 24510/01 )	\$10,000	\$10,000	\$0
\$90,193	\$90,000	(\$193)	\$0	Purchase Information Technology & Communication Equipment ( 24550/00 )	\$129,000	\$129,000	\$0
\$0	\$0	\$0	\$0	Capital Improvement Administration Building - Ascot Place ( 25240/01 )	\$458,000	\$458,000	\$0
\$0	\$0	\$0	\$0	Upgrade Security Equipment - Ascot Place ( 25530/01 )	\$5,000	\$5,000	\$0
\$90,193	\$90,000	(\$193)	\$86,509		\$868,000	\$868,000	\$0



# CAPITAL EXPENDITURE STATEMENT

AUGUST 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
Operations Team							
\$0	\$0	\$0	\$0	Air Supply lines - Waste Management Structures - Red Hill Landfill Facility ( 24399/10 )	\$50,000	\$50,000	\$0
\$0	\$0	\$0	\$0	Gas Extraction System Wells - Red Hill Landfill Facility ( 24399/20 )	\$200,000	\$200,000	\$0
\$0	\$200,000	\$200,000	\$196,482	Purchase / Replace Plant - Red Hill Landfill Facility ( 24410/00 )	\$950,000	\$950,000	\$0
\$5,473	\$150,000	\$144,527	\$11,405	Purchase / Replace Plant - Hazelmere ( 24410/01 )	\$650,000	\$650,000	\$0
(\$213)	\$50,000	\$50,213	\$0	Purchase / Replace Minor Plant and Equipment-Red Hill Landfill Facility ( 24420/00 )	\$275,000	\$275,000	\$0
\$0	\$18,000	\$18,000	\$0	Purchase / Replace Minor Plant and Equipment - Hazelmere ( 24420/02 )	\$104,000	\$104,000	\$0
\$0	\$0	\$0	\$0	Purchase / Replace Vehicles - Red Hill Landfill Facility ( 24430/00 )	\$132,000	\$132,000	\$0
\$0	\$0	\$0	\$0	Purchase Fire Fighting System/Equipment - Hazelmere ( 24520/07 )	\$5,000	\$5,000	\$0
\$2,530	\$0	(\$2,530)	\$0	Purchase / Replace Security System - Red Hill Waste Management Facility ( 24530/08 )	\$213,500	\$213,500	\$0
\$0	\$0	\$0	\$0	Purchase / Replace Security System - Hazelmere ( 24530/10 )	\$10,000	\$10,000	\$0
\$0	\$10,000	\$10,000	\$0	Purchase Information Technology & Communication Equipment - Hazelmere ( 24550/03 )	\$30,000	\$30,000	\$0
\$0	\$6,000	\$6,000	\$0	Purchase / Replace Other Equipment - Red Hill Landfill Facility ( 24590/00 )	\$40,000	\$40,000	\$0
\$15,000	\$0	(\$15,000)	\$0	Purchase / Replace Miscellaneous Equipment - Hazelmere ( 24590/02 )	\$0	\$0	\$0



# CAPITAL EXPENDITURE STATEMENT

AUGUST 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
Operations Team							
\$0	\$70,000	\$70,000	\$68,050	Purchase Office Furniture and Fittings - Hazelmere Office ( 24610/10 )	\$70,000	\$70,000	\$0
\$0	\$60,000	\$60,000	\$930	Purchase Furniture and Fittings - Hazelmere Workshop ( 24610/11 )	\$60,000	\$60,000	\$0
\$0	\$0	\$0	\$0	Refurbish Plant - Red Hill Landfill Facility ( 25410/00 )	\$300,000	\$300,000	\$0
\$22,790	\$564,000	\$541,210	\$276,868		\$3,089,500	\$3,089,500	\$0

# CAPITAL EXPENDITURE STATEMENT

**AUGUST 2021**

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
Projects Team							
\$257	\$0	(\$257)	\$0	Purchase Waste Management Land ( 24150/02 )	\$0	\$0	\$0
\$0	\$15,000	\$15,000	\$10,145	Construct Waste Management Facility Buildings - Red Hill Landfill Facility ( 24250/01 )	\$100,000	\$100,000	\$0
\$15,661	\$0	(\$15,661)	\$1,818	Construct Workshop No 3 - Red Hill Landfill Facility ( 24250/08 )	\$774,811	\$774,811	\$0
\$39,120	\$64,000	\$24,880	\$0	Construct Wood Waste to Energy Building - HRRP ( 24259/05 )	\$273,032	\$273,032	\$0
\$0	\$0	\$0	\$0	Construct Community Recycling Centre (CRC) - HRRP ( 24259/06 )	\$130,000	\$130,000	\$0
\$0	\$0	\$0	\$6,855,569	Construct Commercial Transfer Station - HRRP ( 24259/10 )	\$7,541,126	\$3,500,000	(\$4,041,126)
\$8,450	\$0	(\$8,450)	\$0	Construct Site Workshop - HRRP ( 24259/13 )	\$0	\$0	\$0
\$0	\$0	\$0	\$0	Upgrade Power Supply to Workshop No 2 - Red Hill Landfill Facility ( 24259/15 )	\$250,000	\$250,000	\$0
\$0	\$0	\$0	\$0	Install Power Supply to Lots 8 9 & 10 - Red Hill Landfill Facility ( 24259/16 )	\$150,000	\$150,000	\$0
\$82,801	\$183,760	\$100,959	\$13,619	Construct Wood Waste to Energy Building (Pre-Commissioning) - HRRP ( 24259/18 )	\$826,920	\$826,920	\$0
\$0	\$0	\$0	\$0	Construct Wood Waste to Energy Dry Char Storage Facility - HRRP ( 24259/19 )	\$60,000	\$60,000	\$0
\$0	\$0	\$0	\$39,150	Construct Wood Waste to Energy Bucket Extension - HRRP ( 24259/20 )	\$40,000	\$40,000	\$0
\$0	\$0	\$0	\$0	Construct Class III Cell Stage 17 - Red Hill Landfill Facility ( 24310/21 )	\$350,000	\$350,000	\$0

# CAPITAL EXPENDITURE STATEMENT

AUGUST 2021

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Projects Team							
\$0	\$0	\$0	\$0	Design and Construct Class IV Cell Stage 3 - Red Hill Landfill Facility ( 24330/05 )	\$150,000	\$150,000	\$0
\$0	\$0	\$0	\$0	Construct Leachate and Stormwaste Infrastructure and Siltation Ponds - Red Hill Landfill Facility ( 24350/01 )	\$200,000	\$200,000	\$0
\$0	\$0	\$0	\$0	Construct Roads / Carparks - Red Hill Landfill Facility ( 24370/00 )	\$185,500	\$185,500	\$0
\$0	\$30,000	\$30,000	\$0	Construct Access Road to Lots 8 9 10 - Red Hill Landfill Facility ( 24370/02 )	\$130,000	\$130,000	\$0
\$0	\$0	\$0	\$0	Construct Drainage Diversion and Earthworks Infrastructures - Red Hill Landfill Facility ( 24380/00 )	\$100,000	\$100,000	\$0
\$0	\$0	\$0	\$0	Construct Litter Fence - Redhill Landfill Facility ( 24394/05 )	\$50,000	\$50,000	\$0
\$0	\$0	\$0	\$0	Resource Recovery Park - Noise Control Fencing ( 24394/06 )	\$150,000	\$150,000	\$0
\$0	\$0	\$0	\$11,120	Construct Hardstand and Road - Hazelmere ( 24395/01 )	\$55,000	\$55,000	\$0
\$7,550	\$0	(\$7,550)	\$0	Construct FOGO Processing Area - Red Hill Landfill Facility ( 24395/05 )	\$108,460	\$0	(\$108,460)
\$0	\$0	\$0	\$0	Undertake FOGO Reference Site Tours ( 24395/06 )	\$62,500	\$62,500	\$0
\$7,614	\$52,273	\$44,659	\$0	Implementation of the FOGO Recovery Strategy ( 24395/07 )	\$300,000	\$300,000	\$0
\$0	\$0	\$0	\$27,182	Construct Monitoring Bores - Red Hill Landfill Facility ( 24396/00 )	\$70,000	\$70,000	\$0
\$0	\$0	\$0	\$3,570	Construct Monitoring Bores - Hazelmere ( 24396/02 )	\$70,000	\$70,000	\$0
\$3,370	\$96,095	\$92,725	\$13,676	Wood Waste to Energy Utilities/Infrastructure - HRRP ( 24399/11 )	\$408,754	\$408,754	\$0



# CAPITAL EXPENDITURE STATEMENT

AUGUST 2021

Year to Date			On Order	Full Year			
Actual	Budget	Variance		Forecast	Budget	Variance	
Projects Team							
\$0	\$0	\$0	\$0	Liquid Waste Project - Red Hill Landfill Facility ( 24399/16 )	\$500,000	\$500,000	\$0
\$431	\$0	(\$431)	\$0	Develop Lots 8 9 & 10 For Future Waste Activities - Red Hill Landfill Facility ( 24399/19 )	\$0	\$0	\$0
\$2,666	\$0	(\$2,666)	\$6,425	Air Pollution Control Residue Facility (APCR) - Red Hill Landfill Facility ( 24399/21 )	\$2,300,000	\$2,300,000	\$0
\$0	\$0	\$0	\$1,210	Construct Concrete Pad east of C&I Building - HRRP ( 24399/22 )	\$250,000	\$250,000	\$0
\$0	\$0	\$0	\$0	Extension of Sewer Line from WWtE to Sewer Sump & existing ATU - HRRP ( 24399/23 )	\$200,000	\$200,000	\$0
\$0	\$0	\$0	\$0	Sewer Line from Lakes Rd to Mary St - HRRP ( 24399/24 )	\$300,000	\$300,000	\$0
\$21,052	\$0	(\$21,052)	\$0	Extension of Concrete Pad with Workshop area - HRRP ( 24399/25 )	\$120,000	\$120,000	\$0
\$0	\$0	\$0	\$0	Noise Barrier for Hammer Mill - HRRP ( 24399/26 )	\$100,000	\$100,000	\$0
\$0	\$0	\$0	\$0	Digital Sign (DWER Requirement) - HRRP ( 24399/27 )	\$50,000	\$50,000	\$0
\$11,433	\$25,000	\$13,567	\$21,707	Purchase Wood Waste to Energy Plant & Equipment - HRRP ( 24410/03 )	\$103,987	\$103,987	\$0
\$2,800	\$0	(\$2,800)	\$0	Purchase FOGO Processing Plant - Red Hill Landfill Facility ( 24410/10 )	\$0	\$0	\$0
\$0	\$0	\$0	\$0	Purchase Information Technology & Communication Equipment - Projects ( 24550/02 )	\$25,000	\$25,000	\$0
\$203,205	\$466,128	\$262,923	\$7,005,191		\$16,485,090	\$12,335,504	(\$4,149,586)





## CAPITAL EXPENDITURE STATEMENT

AUGUST 2021

Year to Date			On Order			Full Year		
Actual	Budget	Variance				Forecast	Budget	Variance
\$316,189	\$1,120,128	\$803,939	\$7,368,568	TOTAL CAPITAL EXPENDITURE		\$20,482,590	\$16,333,004	(\$4,149,586)

## AUGUST 2021

34

## CASH AND INVESTMENTS AUGUST 2021

Actual June 2020	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year		
			Forecast	Budget	Variance
Municipal Cash and Investments					
5,857,095	4,257,276	Cash at Bank - Municipal Fund 01001/00	2,006,230	2,006,230	0 (F)
4,050	4,050	Cash on Hand 01019/00 - 02	4,050	4,050	0 (F)
16,046,391	9,952,725	Investments - Municipal Fund 02021/00	2,000,000	2,000,000	0 (F)
21,907,536	14,214,051	Total Municipal Cash	4,010,280	4,010,280	0 (F)
Restricted Cash and Investments					
749,821	750,886	Restricted Investments - Plant and Equipment 02022/01	704,819	704,819	0 (F)
2,943,263	2,947,443	Restricted Investments - Post Closure Site Rehabilitation Red Hill 02022/02	6,090,227	6,090,227	0 (F)
11,460,995	11,477,271	Restricted Investments - Future Development 02022/03	9,086,393	9,086,393	0 (F)
1,349,161	1,351,077	Restricted Investments - Environmental Monitoring Red Hill 02022/04	2,951,545	2,951,545	0 (F)
59,639	59,724	Restricted Investments - Environmental Insurance Red Hill 02022/05	65,714	65,714	0 (F)
15,813	15,836	Restricted Investments - Risk Management 02022/06	16,002	16,002	0 (F)
600,945	601,799	Restricted Investments - Class IV Cells Red Hill 02022/07	551,046	551,046	0 (F)
41,177,833	41,236,313	Restricted Investments - Secondary Waste Processing 02022/09	37,275,373	37,275,373	0 (F)
1,158,161	1,159,806	Restricted Investments - Class III Cells 02022/10	2,231,556	2,231,556	0 (F)
79,842	79,955	Restricted Investments - Building Refurbishment (Ascot Place) 02022/11	80,683	80,683	0 (F)
5,325,000	5,332,562	Restricted Investments - EastLink Relocation 02022/19	5,325,000	5,325,000	0 (F)
123,503	71,217	Restricted Investments - Accrued Interest 02022/19	433,707	433,707	0 (F)
1,033,136	1,034,603	Restricted Investments - Long Service Leave 02022/90	1,063,370	1,063,370	0 (F)
66,077,112	66,118,492	Total Restricted Cash	65,875,435	65,875,435	0 (F)
87,984,648	80,332,543	TOTAL CASH AND INVESTMENTS	69,885,715	69,885,715	0 (F)

The Cash at Bank - Municipal Fund represents the balance on the last day of the relevant month. Any portion of the balance available for investment is transferred into the Investment - Municipal Fund account in the following period. Funds held in the Cash at Bank - Municipal Fund continue to accrue interest as per the Westpac commercial rates.

## EMRC Investment Report

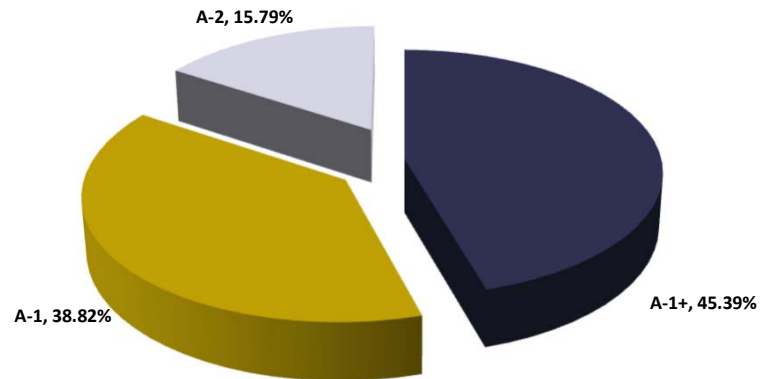
August 2021

## I. Overall Portfolio Limits

S&P Long Term Rating	S&P Short Term Rating	% Portfolio	Investment Maximum %
AAA	A-1+	45.39%	100.00%
AA	A-1	38.82%	100.00%
BBB	A-2	15.79%	15.00%
		100.00%	

The Investment Policy is in breach with regard to the A2 ADI's which is to have a maximum of 15% cumulative

Investment by S&amp;P Rating



## II. Single Entity Exposure

	S&P Long Term Rating	S&P Short Term Rating	% Portfolio	
AMP	BBB	A-2	5.26%	
ANZ Banking Group	AAA	A-1+	5.26%	
ME Bank	BBB	A-2	5.26%	*
NAB	AAA	A-1+	36.85%	
Westpac / St. George Bank	AAA	A-1+	3.28%	
Suncorp	AA	A-1	3.95%	*
Bank of Queensland	BBB	A-2	5.26%	
Macquarie Bank	AA	A-1	34.88%	
			100.00%	

\* Non-Fossil Fuel ADI (Authorised Deposit Taking Institution)

The Investment Policy is in breach with regard to the A2 ADI's which are to have a maximum of 5% individually

## III. Term to Maturity Framework

Maturity Profile	Investment Policy Guidelines		
	% Portfolio	% Min	% Max
Less Than 1 Year	100.00%	40%	100%
Greater than 1 year & less than or equal to 3 years	0.00%	0%	60%
	100.00%		

## IV. Fossil Fuel Divestment

	% Portfolio
Non-Fossil Fuel ADI's	9.21%
Fossil Fuel ADI's	90.79%
	100.00%

## **14.3 REVIEW OF COUNCIL POLICY 3.3 - MANAGEMENT OF INVESTMENTS POLICY**

**D2021/18149**

### **PURPOSE OF REPORT**

The purpose of this report is to review Council Policy 3.3 - Management of Investments Policy.

### **KEY POINT(S)**

- Council Policy 3.3 - Management of Investments Policy was last reviewed at the meeting of Council held on 21 February 2019.
- It is proposed to increase the Policy limits for BBB rated ADI's from 5% for single entities to 20% and to 40% for overall BBB rated Authorised Deposit-Taking Institutions (ADI's).
- It is proposed that the existing Policy, as revised with amendments, be adopted.

### **RECOMMENDATION(S)**

That:

1. Revised EMRC Policy 3.3 - Management of Investments Policy forming attachment 3 to this report be adopted by Council.
2. EMRC Policy 3.3 - Management of Investments Policy be next reviewed in the twelve months following the ordinary election day in 2023.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

- 1 EMRC Policy 3.3 - Management of Investments Policy was last reviewed at the meeting of Council held on 21 February 2019 (D2019/02706).

### **REPORT**

- 2 The policies of the EMRC, determined by Council as required by Section 2.7(2)(b) of the Local Government Act 1995 (the Act), guide and inform management and the public about key Council principles. It is important that policies are reviewed periodically and amended where necessary.
- 3 A review of the existing policy has been undertaken with the following objectives used as a basis for undertaking the review:
  - To ensure that the policy meets the definition of a policy;
  - To incorporate in the policy appropriate amendments to account for changes in details such as dates, times and values since the last review;
  - To realign the policy with the adopted EMRC 10 Year Strategic Plan 2017 – 2027 under the heading 'Strategic Plan Objective'; and
  - To ensure the policy is contemporary and appropriate for the Council.

- 4 The three main actions undertaken when reviewing a policy include:
- Maintain the current policy without amendment;
  - Maintain the policy with amendments; and
  - Delete the policy if it is no longer required, for example, if these are covered under the Local Government Act 1995 and regulations or has been incorporated into another policy.

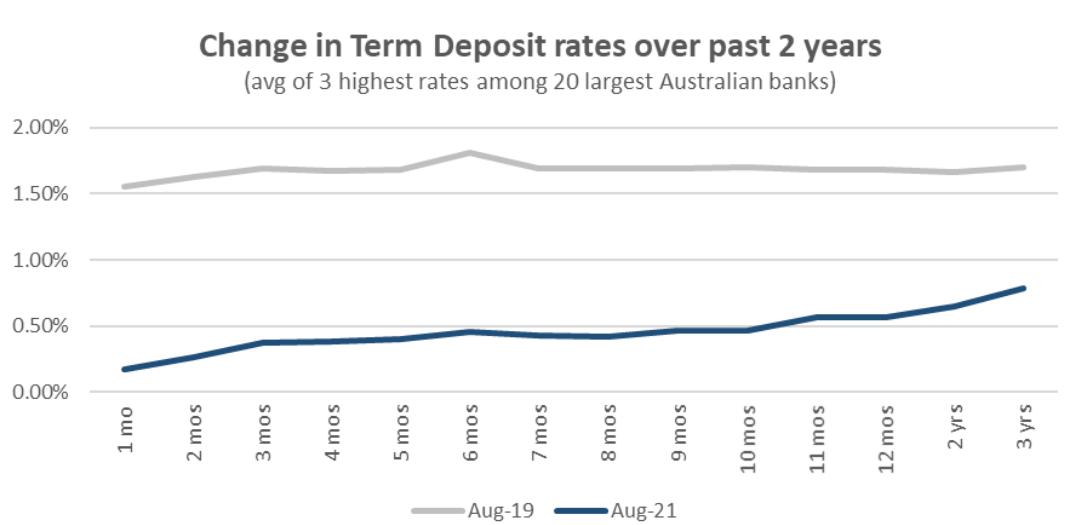
- 5 Proposed amendments to the EMRC Investments Policy are aimed at:
- Referencing only the more widely recognised long term credit rating scale in the credit limit tables to avoid confusion and any contradictions between long and short term credit ratings among banks.
  - Standard & Poor's long-term rating definitions:

AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
AA	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.
A	An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.
BBB	An obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

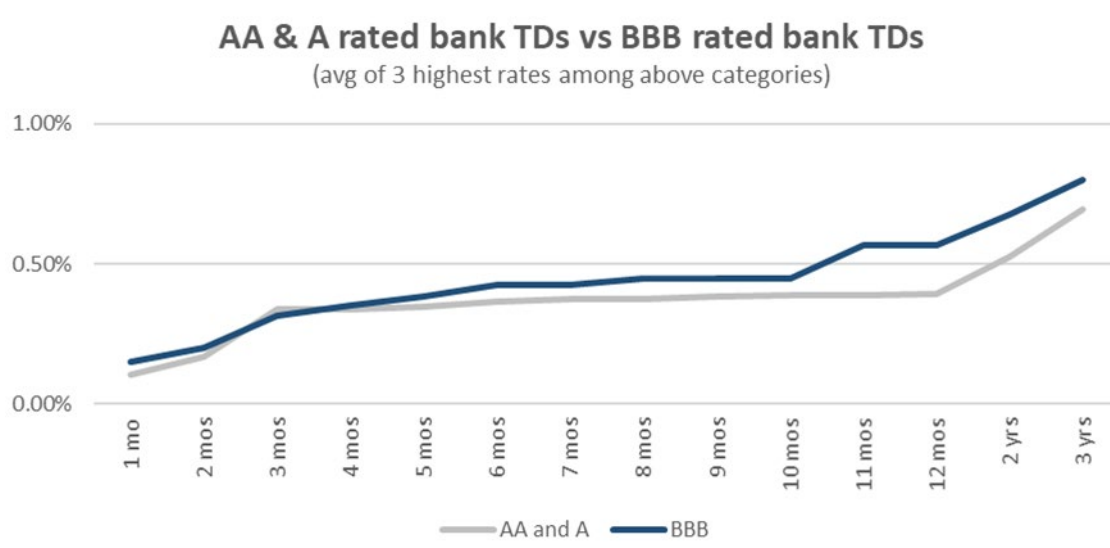
Source <http://www.standardandpoors.com>

- Increasing the maximum allowable exposure to the overall BBB rating category and individual banks in the category.
- 6 While already in a downward trend at the time, interest rates have declined sharply since the onset of the COVID pandemic in early 2020. This has been largely as a result of stimulus measures taken by the government and the Reserve Bank of Australia (RBA) to provide low cost funding to banks, businesses and retail borrowers. Consequently, banks' term deposit rates have also declined.

- 7 The chart below shows the change in term deposit (TD) rates across 1 month to 3 year terms over the past 2 years, an average decline of 122 basis points (1.22%pa) across all tenors:



- 8 Since the early 2010s post the Global Financial Crisis (GFC) period, term deposit (TD) rates from the major banks had been largely in line with or even better than most lower rated banks. However, over the past 18 months there has been a gradual 'normalisation' of credit margins where an increasing number of lower rated banks have been offering higher rates than the major banks.
- 9 The table below shows the current average of the three highest rates from AA rated and A rated banks versus the average of the three highest rates from BBB rated banks:



- 10 Across the 5 month to 3 year TD range the best BBB rated averaged 10 basis points (0.10%pa) more than the best AA & A rated bank TD rates.
- 11 By allowing a larger, but still prudent, exposure to the BBB rated category the overall interest return would be expected to increase.
- 12 Banks in the BBB long term rating category predominately have short term credit ratings of A-2. Currently, EMRC's investment policy limits overall BBB (long term) / A-2 (short-term) exposure to 15% of the total portfolio and no more than 5% with any individual bank.
- 13 By way of comparison, this combination of overall and individual limits to the BBB/A-2 categories is more conservative than any of EMRC's member councils:

Council	Overall BBB/A-2 Limits	Single entity BBB/A-2 Limits
EMRC	15%	5%
Bassendean	60% (as A-2)	30% (as A-2)
Bayswater	80% (as A-2)	30% (as A-2)
Kalamunda	100% (specific banks)	25% (specific banks)
Mundaring	15%	10%
Swan	60% (as A-2)	20% (as A-2)

- 14 The main recommended changes to the Management of Investments Policy are detailed in the following Points 15, 16 and 17.

## 15 Updating the Risk Management Guidelines Tables

- The Risk Management Guidelines tables are the framework for sound investment management aimed at controlling the credit quality and term limits on the entire portfolio.
- To avoid confusion over short and long term credit ratings, it is recommended to only reference the more widely recognised Long Term Ratings.
- Currently, there is no A rating category mentioned in the Investments Policy, but exposure to A long term rated banks such as Suncorp and Macquarie Bank, which have short term ratings of A-1, has been covered by the policy's A-1 short term rating category limit. The A rating category has been added to the AA line which is where the A-1 limit had been.
- It is proposed to increase the maximum allowable exposure to the overall BBB rating category from 15% to 40% and individual banks in the category from 5% to 20%.
- This will still leave EMRC on the more conservative side of BBB limits versus those allowed by EMRC's member councils whilst giving EMRC more opportunity to take advantage of higher rates on offer from banks in this rating category.

## 16 Portfolio Credit Framework

- To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Current Portfolio Maximum %	Proposed Portfolio Maximum %
AAA	A-1 +	100%	100%
AA	A-1	100%	100%
BBB	A-2	15%	40%

## 17 Counterparty Credit Framework

- Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Current Portfolio Maximum %	Proposed Portfolio Maximum %
AAA	A-1 +	45%	45%
AA	A-1	35%	35%
BBB	A-2	5%	20%

## STRATEGIC/POLICY IMPLICATIONS

### 18 Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC
- 3.4 To continue to improve financial and asset management practices

## FINANCIAL IMPLICATIONS

### 19 As at 31 August 2021, the EMRC has \$76 million in investments.



## SUSTAINABILITY IMPLICATIONS

20 As reflected in the report.

## RISK MANAGEMENT

Risk – Reduced Interest Earning Capacity		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council to adopt the new and revised Council Policy 3.3		

## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil direct implications
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

1. Management of Investments Policy 3.3 - Original (D2021/18150)
2. Management of Investments Policy 3.3 with tracked changes (D2021/18151)
3. Management of Investments Policy 3.3 - Final (D2021/18154)

## VOTING REQUIREMENT

Simple Majority

## RECOMMENDATION(S)

That:

1. Revised EMRC Policy 3.3 - Management of Investments Policy forming attachment 3 to this report be adopted by Council.
2. EMRC Policy 3.3 - Management of Investments Policy be next reviewed in the twelve months following the ordinary election day in 2023.

**COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT:

1. REVISED EMRC POLICY 3.3 - MANAGEMENT OF INVESTMENTS POLICY FORMING ATTACHMENT 3 TO THIS REPORT BE ADOPTED BY COUNCIL.
2. EMRC POLICY 3.3 - MANAGEMENT OF INVESTMENTS POLICY BE NEXT REVIEWED IN THE TWELVE MONTHS FOLLOWING THE ORDINARY ELECTION DAY IN 2023.

**CARRIED UNANIMOUSLY**



## 3.3 Management of Investments Policy

### STRATEGIC PLAN OBJECTIVE

3.4 To continue to improve financial and asset management practices.

### PURPOSE

To provide for the investment of EMRC's surplus funds at the most favourable rate of return whilst ensuring prudent consideration of risk and security for the investment type and that liquidity requirements are being met.

To ensure that investments are managed with care, diligence and skill and that the management of the portfolio is carried out to safeguard the portfolio and not for speculative purposes.

Establish guidelines to ensure investments:

- Meet legislative requirements;
- Optimise investment income and returns within acceptable risk parameters;
- Ensure that investments match the liquidity needs of the EMRC; and
- Are invested at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type.

### LEGISLATION

*Local Government Act 1995 s.6.14*

*Local Government (Financial Management) Regulations 1996 – r. 19-19C, 28 & 49*

*Local Government (Financial Management) Amendment Regulations 2017 s.19C(2)(b)*

*Trustees Act 1962 - Part III Investments*

### POLICY STATEMENT

#### 1. Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of EMRC's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

## **2. Delegation of Authority**

Authority for implementation of the Management of Investments Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's investment portfolio to the Director, Corporate Services.

## **3. Investment Ratings**

Investment ratings in this policy are based on those issued by Standard & Poor's.

In the event a proposed investment is not rated by Standard & Poor's but is rated by either Fitch Ratings or Moody's by a rating which is analogous to the ratings of Standard & Poor's, then the EMRC may make the investment relying on the Fitch Ratings or Moody's ratings.

In the event that the rating of an investment held by the EMRC falls below the ratings allowed under this policy for new investments, the affected investment is to be assessed and a recommendation made to the Investment Committee to decide as to whether:

- It is to be liquidated, where allowed under the terms of the investment; or
- It is to be held to maturity.

The recommendation to the Investment Committee may be made by electronic mail (email) to expedite the approval process by circular resolution.

## **4. Approved Investments**

Approved investments are those investments permitted by s6.14(1) of the *Local Government Act 1995* as specified in the Trustees Act 1962 Part III subject to the limitations expressed in Regulation 19C of the *Local Government (Financial Management) Regulations 1996*.

## **5. Preference for Non-Fossil Fuel Investments**

When making investment decisions, the EMRC will give preference to institutions that do not invest in or finance the fossil fuel industry, where:

- The investment complies with EMRC's investment policy;
- The rate of interest is favourable to EMRC relative to alternative options available at the time;
- The credit rating of the investment is comparable to alternative options available at the time.

Non-fossil fuel investment considerations will be part of the overall selection process to best meet EMRC's investment strategy objectives while ensuring compliance with prevailing legislation and this Investment Policy.

## **6. Prohibited Investments**

This investment policy prohibits any investment which is not an Approved Investment.

## 7. Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period;
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- Investments must be rated at not less than the Standard & Poor's ratings (or Moody's or Fitch Ratings equivalent as detailed in section 3) specified below.

Furthermore investments are to comply with three key criteria relating to:

### a. Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Portfolio Maximum %
AAA	A-1 +	100%
AA	A-1	100%
BBB	A-2	15%

### b. Single Entity Exposure

Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Portfolio Maximum %
AAA	A-1+	45%
AA	A-1	35%
BBB	A-2	5%

### c. Term to Maturity Framework

Term	Minimum %	Maximum %
Portfolio % ≤1 year	40%	100%
Portfolio % >1 year ≤ 3 year	0%	60%

Standard & Poor's long term rating definitions:

AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
AA	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.
BBB	An obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

Standard & Poor's short term rating definitions:

A-1	A short-term obligation rated 'A-1' is rated in the highest category by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
A-2	A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

Source: <http://www.standardandpoors.com>

## 8. Measurement

The investment return for the portfolio is to be regularly reviewed. The market value and investment maturities are to be assessed at least once a month to coincide with management reporting.

## 9. Procedures

Investments placed by Council's authorised advisor/s and managers must be appropriately documented at the time of placement.

Appropriate procedures and controls in regards to record keeping, reconciliation, authorisation forms and accounting for investments shall be prepared and maintained to give effect to this policy.

All investments must be authorised in writing by the CEO, or EMRC's authorised managers as per the CEO's delegated authority, prior to the investments being made.

## 10. Reporting

An investment report is to be prepared each month detailing compliance with the criteria outlined in this policy.

The investment report is to be presented to Council at the next ordinary meeting of the Council following the end of the month to which the report relates. If the statement is not prepared in time to present it to that meeting it is to be presented at the next Ordinary Meeting of the Council following that meeting.



## **11. Investment Advisor**

The CEO has delegated authority to appoint an investment adviser when considered appropriate.

The local government's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

## **12. Investment Strategy**

EMRC's investment strategy is to optimise investment income within its acceptable levels of risk whilst ensuring the security of these funds enabling the EMRC to meet its business objectives.

Key considerations in this regard include funding requirements identified in the Five Year Plan.

To implement the requirement for diversification, Council's authorised advisors and managers will comply with the Overall Portfolio Limits, Single Entity Exposure, and Term to Maturity limits, as detailed in section 7(a)(b)(c).

The EMRC may invest all of the total investments in Commonwealth/State/Territory bonds.

An indicative sample list of complying authorised deposit-taking institutions (ADI's) is reflected in the Appendix and may vary from time to time

## **FINANCIAL CONSIDERATIONS**

As indicated in this policy.

## Appendix: Indicative Sample List of Compliant Authorised Deposit-Taking Institutions (ADI's)

**As at January 2019:**

ADI Name	Standard & Poor's Credit Rating (Long / Short)	EMRC Policy Limit per ADI based on short-term credit rating limits
ANZ Banking Group Ltd.	AA- / A-1+	45%
Bank of Western Australia Ltd.	AA- / A-1+	45%
Commonwealth Bank of Australia	AA- / A-1+	45%
National Australia Bank Ltd.	AA- / A-1+	45%
Westpac Banking Corp.	AA- / A-1+	45%
AMP Bank Ltd	A+ / A-1	35%
Suncorp Metway Ltd	A+ / A-1	35%
ING Bank	A / A-1	35%
Macquarie Bank Ltd	A / A-1	35%
Bank of Queensland	BBB+/A-2	5%
Bendigo & Adelaide Bank	BBB+/A-2	5%
Rural Bank	BBB+/A-2	5%
Credit Union Australia	BBB/A-2	5%
ME Bank	BBB/A-2	5%



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Adopted/Reviewed by Council

1. 29 June 2000
2. 27 July 2000
3. 02 May 2002
4. 17 June 2004
5. 23 February 2006
6. 18 September 2008 (reported to Council and referred to Investment Committee)
7. 19 August 2010
8. 23 September 2010
9. 25 November 2010
10. 10 May 2012
11. 6 December 2012
12. 18 September 2014
13. 06 December 2018
14. 21 February 2019

Next Review

Following the Ordinary Elections in 2021

Responsible Directorate

Corporate Services



## 3.3 Management of Investments Policy

### STRATEGIC PLAN OBJECTIVE

3.4 To continue to improve financial and asset management practices.

### PURPOSE

To provide for the investment of EMRC's surplus funds at the most favourable rate of return whilst ensuring prudent consideration of risk and security for the investment type and that liquidity requirements are being met.

To ensure that investments are managed with care, diligence and skill and that the management of the portfolio is carried out to safeguard the portfolio and not for speculative purposes.

Establish guidelines to ensure investments:

- Meet legislative requirements;
- Optimise investment income and returns within acceptable risk parameters;
- Ensure that investments match the liquidity needs of the EMRC; and
- Are invested at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type.

### LEGISLATION

*Local Government Act 1995 s.6.14*

*Local Government (Financial Management) Regulations 1996 – r. 19-19C, 28 & 49*

*Local Government (Financial Management) Amendment Regulations 2017 s.19C(2)(b)*

*Trustees Act 1962 - Part III Investments*

### POLICY STATEMENT

#### 1. Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of EMRC's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

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## **2. Delegation of Authority**

Authority for implementation of the Management of Investments Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's investment portfolio to the Director, Corporate Services.

## **3. Investment Ratings**

Investment ratings in this policy are based on those issued by Standard & Poor's.

In the event a proposed investment is not rated by Standard & Poor's but is rated by either Fitch Ratings or Moody's by a rating which is analogous to the ratings of Standard & Poor's, then the EMRC may make the investment relying on the Fitch Ratings or Moody's ratings.

In the event that the rating of an investment held by the EMRC falls below the ratings allowed under this policy for new investments, the affected investment is to be assessed and a recommendation made to the Investment Committee to decide as to whether:

- It is to be liquidated, where allowed under the terms of the investment; or
- It is to be held to maturity.

The recommendation to the Investment Committee may be made by electronic mail (email) to expedite the approval process by circular resolution.

## **4. Approved Investments**

Approved investments are those investments permitted by s6.14(1) of the *Local Government Act 1995* as specified in the Trustees Act 1962 Part III subject to the limitations expressed in Regulation 19C of the *Local Government (Financial Management) Regulations 1996*.

## **5. Preference for Non-Fossil Fuel Investments**

When making investment decisions, the EMRC will give preference to institutions that do not invest in or finance the fossil fuel industry, where:

- The investment complies with EMRC's investment policy;
- The rate of interest is favourable to EMRC relative to alternative options available at the time;
- The credit rating of the investment is comparable to alternative options available at the time.

Non-fossil fuel investment considerations will be part of the overall selection process to best meet EMRC's investment strategy objectives while ensuring compliance with prevailing legislation and this Investment Policy.

## **6. Prohibited Investments**

This investment policy prohibits any investment which is not an Approved Investment.



## 7. Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period;
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- Investments must be rated at not less than the Standard & Poor's ratings (or Moody's or Fitch Ratings equivalent as detailed in section 3) specified below.

Furthermore investments are to comply with three key criteria relating to:

### a. Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short-Term Rating	Portfolio Maximum %
AAA	A-1+	100%
AA & A	A-1	100%
BBB	A-2	<del>15%</del> 40%

### b. Single Entity Exposure

Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short-Term Rating	Portfolio Maximum %
AAA	A-1+	45%
AA & A	A-1	35%
BBB	A-2	<del>5%</del> 20%

### c. Term to Maturity Framework

Term	Minimum %	Maximum %
Portfolio % ≤1 year	40%	100%
Portfolio % >1 year ≤ 3 year	0%	60%

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Standard & Poor's long term rating definitions:

AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
AA	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.
A	<u>An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.</u>
BBB	An obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

Standard & Poor's short term rating definitions:

A-1	<u>A short-term obligation rated 'A-1' is rated in the highest category by Standard &amp; Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.</u>
A-2	<u>A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.</u>

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Source: <http://www.standardandpoors.com>

## 8. Measurement

The investment return for the portfolio is to be regularly reviewed. The market value and investment maturities are to be assessed at least once a month to coincide with management reporting.

## 9. Procedures

Investments placed by Council's authorised advisor/s and managers must be appropriately documented at the time of placement.

Appropriate procedures and controls in regards to record keeping, reconciliation, authorisation forms and accounting for investments shall be prepared and maintained to give effect to this policy.

All investments must be authorised in writing by the CEO, or EMRC's authorised managers as per the CEO's delegated authority, prior to the investments being made.

## 10. Reporting

An investment report is to be prepared each month detailing compliance with the criteria outlined in this policy.

The investment report is to be presented to Council at the next ordinary meeting of the Council following the end of the month to which the report relates. If the statement is not prepared in time to present it to that meeting it is to be presented at the next Ordinary Meeting of the Council following that meeting.

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#### **11. Investment Advisor**

The CEO has delegated authority to appoint an investment adviser when considered appropriate.

The local government's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

#### **12. Investment Strategy**

EMRC's investment strategy is to optimise investment income within its acceptable levels of risk whilst ensuring the security of these funds enabling the EMRC to meet its business objectives.

Key considerations in this regard include funding requirements identified in the Five Year Plan.

To implement the requirement for diversification, Council's authorised advisors and managers will comply with the Overall Portfolio Limits, Single Entity Exposure, and Term to Maturity limits, as detailed in section 7(a)(b)(c).

The EMRC may invest all of the total investments in Commonwealth/State/Territory bonds.

An indicative sample list of complying authorised deposit-taking institutions (ADI's) is reflected in the Appendix and may vary from time to time

### **FINANCIAL CONSIDERATIONS**

As indicated in this policy.



## Appendix: Indicative Sample List of Compliant Authorised Deposit-Taking Institutions (ADI's)

As at ~~January-August 2019~~2021:

ADI Name	Standard & Poor's Credit Rating (Long / Short)	EMRC Policy Limit per ADI based on short-term credit rating limits
ANZ Banking Group Ltd.	AA- / <del>A-1+</del>	45%
Bank of Western Australia Ltd.	AA- / <del>A-1+</del>	45%
Commonwealth Bank of Australia	AA- / <del>A-1+</del>	45%
National Australia Bank Ltd.	AA- / <del>A-1+</del>	45%
Westpac Banking Corp.	AA- / <del>A-1+</del>	45%
<del>AMP Bank Ltd</del>	<del>A+ / A-1</del>	<del>35%</del>
Suncorp Metway Ltd	A+ / <del>A-1</del>	35%
<del>Macquarie Bank Ltd</del>	<del>A+</del>	<del>35%</del>
ING Bank	A / <del>A-1</del>	35%
<del>Macquarie Bank Ltd</del>	<del>A / A-1</del>	<del>35%</del>
Bank of Queensland	BBB+/ <del>A-2</del>	<del>520%</del>
Bendigo & Adelaide Bank	BBB+/ <del>A-2</del>	<del>520%</del>
Rural Bank	BBB+/ <del>A-2</del>	<del>520%</del>
<del>Great Southern Bank (ex- CUA)Credit Union Australia</del>	<del>BBB/A-2</del>	<del>520%</del>
ME Bank	BBB/ <del>A-2</del>	<del>520%</del>
<del>AMP Bank Ltd</del>	<del>BBB</del>	<del>20%</del>

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Adopted/Reviewed by Council

1. 29 June 2000
2. 27 July 2000
3. 02 May 2002
4. 17 June 2004
5. 23 February 2006
6. 18 September 2008 (reported to Council and referred to Investment Committee)
7. 19 August 2010
8. 23 September 2010
9. 25 November 2010
10. 10 May 2012
11. 6 December 2012
12. 18 September 2014
13. 06 December 2018
14. 21 February 2019
- 14-15. 23 September 2021

Next Review

Following the Ordinary Elections in 2024/2023

Responsible Directorate

Corporate ServicesBusiness Support

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## Council Policy 3.3

### Management of Investments Policy

#### Strategic Plan Objective

3.4 To continue to improve financial and asset management practices.

#### Purpose

To provide for the investment of EMRC's surplus funds at the most favourable rate of return whilst ensuring prudent consideration of risk and security for the investment type and that liquidity requirements are being met.

To ensure that investments are managed with care, diligence and skill and that the management of the portfolio is carried out to safeguard the portfolio and not for speculative purposes.

Establish guidelines to ensure investments:

- Meet legislative requirements;
- Optimise investment income and returns within acceptable risk parameters;
- Ensure that investments match the liquidity needs of the EMRC; and

Are invested at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type.

#### Legislation

*Local Government Act 1995 s.6. 14*

*Local Government (Financial Management) Regulations 1996 – r. 19-19C, 28 & 49*

*Local Government (Financial Management) Amendment Regulations 2017 s.19C(2)(b)*

*Trustees Act 1962 - Part III*

#### Policy Statement

##### 1 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of EMRC's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

##### 2 Delegation of Authority

Authority for implementation of the Management of Investments Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's investment portfolio to the Director, Corporate Services.

### 3 Investment Ratings

Investment ratings in this policy are based on those issued by Standard & Poor's.

In the event a proposed investment is not rated by Standard & Poor's but is rated by either Fitch Ratings or Moody's by a rating which is analogous to the ratings of Standard & Poor's, then the EMRC may make the investment relying on the Fitch Ratings or Moody's ratings.

In the event that the rating of an investment held by the EMRC falls below the ratings allowed under this policy for new investments, the affected investment is to be assessed and a recommendation made to the Investment Committee to decide as to whether:

- It is to be liquidated, where allowed under the terms of the investment; or
- It is to be held to maturity.
- The recommendation to the Investment Committee may be made by electronic mail (email) to expedite the approval process by circular resolution.

### 4 Approved Investments

Approved investments are those investments permitted by s6.14(1) of the *Local Government Act 1995* as specified in the *Trustees Act 1962 Part III* subject to the limitations expressed in Regulation 19C of the *Local Government (Financial Management) Regulations 1996*.

### 5 Preference for Non-Fossil Fuel Investments

When making investment decisions, the EMRC will give preference to institutions that do not invest in or finance the fossil fuel industry, where:

- The investment complies with EMRC's investment policy;
- The rate of interest is favourable to EMRC relative to alternative options available at the time;
- The credit rating of the investment is comparable to alternative options available at the time.

Non-fossil fuel investment considerations will be part of the overall selection process to best meet EMRC's investment strategy objectives while ensuring compliance with prevailing legislation and this Investment Policy.

### 6 Prohibited Investments

This investment policy prohibits any investment which is not an Approved Investment.

### 7 Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period;
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- Investments must be rated at not less than the Standard & Poor's ratings (or Moody's or Fitch Ratings equivalent as detailed in section 3) specified below.

Furthermore investments are to comply with three key criteria relating to:

### 7.1 Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	Portfolio Maximum %
AAA	100%
AA & A	100%
BBB	40%

### 7.2 Single Entity Exposure

Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	Portfolio Maximum %
AAA	45%
AA & A	35%
BBB	20%

### 7.3 Term to Maturity Framework

Term	Minimum %	Maximum %
Portfolio % $\leq$ 1 year	40%	100%
Portfolio % $>$ 1 year $\leq$ 3 year	0%	60%

Standard & Poor's long-term rating definitions:

AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
AA	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.
A	An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.
BBB	An obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

Source <http://www.standardandpoors.com>

## **8 Measurement**

The investment return for the portfolio is to be regularly reviewed. The market value and investment maturities are to be assessed at least once a month to coincide with management reporting.

## **9 Procedures**

Investments placed by Council's authorised advisor/s and managers must be appropriately documented at the time of placement.

Appropriate procedures and controls in regards to record keeping, reconciliation, authorisation forms and accounting for investments shall be prepared and maintained to give effect to this policy.

All investments must be authorised in writing by the CEO, or EMRC's authorised managers as per the CEO's delegated authority, prior to the investments being made.

## **10 Reporting**

An investment report is to be prepared each month detailing compliance with the criteria outlined in this policy.

The investment report is to be presented to Council at the next ordinary meeting of the Council following the end of the month to which the report relates. If the statement is not prepared in time to present it to that meeting it is to be presented at the next Ordinary Meeting of the Council following that meeting.

## **11 Investment Advisor**

The CEO has delegated authority to appoint an investment adviser when considered appropriate.

The local government's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

## **12 Investment Strategy**

EMRC's investment strategy is to optimise investment income within its acceptable levels of risk whilst ensuring the security of these funds enabling the EMRC to meet its business objectives.

Key considerations in this regard include funding requirements identified in the Five Year Plan.

To implement the requirement for diversification, Council's authorised advisors and managers will comply with the Overall Portfolio Limits, Single Entity Exposure, and Term to Maturity limits, as detailed in section 7(a)(b)(c).

The EMRC may invest all of the total investments in Commonwealth/State/Territory bonds.

An indicative sample list of complying authorised deposit-taking institutions (ADI's) is reflected in the Appendix and may vary from time to time

As indicated in this policy.

**Appendix: Indicative Sample List of Compliant Authorised Deposit-Taking Institutions (ADI's)**

**As at August 2021:**

<b>ADI Name</b>	<b>Standard &amp; Poor's Credit Rating (Long/ Short)</b>	<b>EMRC Policy Limit per ADI Based on Short-Term Credit Rating Limits</b>
ANZ Banking Group Ltd.	AA-	45%
Bank of Western Australia Ltd.	AA-	45%
Commonwealth Bank of Australia	AA-	45%
National Australia Bank Ltd.	AA-	45%
Westpac Banking Corp.	AA-	45%
Suncorp Metway Ltd	A+	35%
Macquarie Bank Ltd	A+	35%
ING Bank	A	35%
Bank of Queensland	BBB+	20%
Bendigo & Adelaide Bank	BBB+	20%
Rural Bank	BBB+	20%
Great Southern Bank (ex-CUA)	BBB	20%
ME Bank	BBB	20%
AMP Bank Ltd	BBB	20%

**Next Review**

**Responsible Unit**

29 June 2000  
 27 July 2000  
 2 May 2002  
 17 June 2004  
 23 February 2006  
 18 September 2008 (reported to Council and referred to Investment Committee)  
 19 August 2010  
 23 September 2010  
 25 November 2010  
 10 May 2012  
 6 December 2012  
 18 September 2014  
 6 December 2018  
 21 February 2019  
 23 September 2021  
 Following the Ordinary Elections in 2023  
 Business Support

## **14.4 REVIEW OF COUNCIL POLICY 1.4 – TRAVELLING COSTS INCURRED BY COUNCIL MEMBERS POLICY**

**D2021/18155**

### **PURPOSE OF REPORT**

The purpose of this report is to review Council Policy 1.4 - Travelling Costs Incurred by Council Members Policy.

### **KEY POINT(S)**

- Council Policy 1.4 - Travelling Costs Incurred by Council Members Policy was last reviewed at the meeting of Council held on 6 December 2018.
- It is proposed that the existing policy, as revised with minor amendments, be adopted.

### **RECOMMENDATION(S)**

That:

- 1 Revised EMRC Policy 1.4 - Travelling Costs Incurred by Council Members Policy forming attachment 3 to this report be adopted by Council.
- 2 EMRC Policy 1.4 - Travelling Costs Incurred by Council Members Policy be next reviewed in the twelve months following the ordinary election day in 2023.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

- 1 EMRC Policy 1.4 - Travelling Costs Incurred by Council Members Policy was last reviewed at the meeting of Council held on 6 December 2018 (Ref: D2018/14285).

### **REPORT**

- 2 The policies of the EMRC, determined by Council as required by Section 2.7(2)(b) of the *Local Government Act 1995* (the Act), guide and inform management and the public about key Council principles. It is important that policies are reviewed periodically and amended where necessary.
- 3 A review of the existing policy has been undertaken with the following objectives used as a basis for undertaking the review:
  - To ensure that the policy meets the definition of a policy;
  - To incorporate in the policy appropriate amendments to account for changes in details such as dates, times and values since the last review;
  - To realign the policy with the adopted EMRC 10 Year Strategic Plan 2017 – 2027 under the heading ‘Strategic Plan Objective’; and
  - To ensure the policy is contemporary and appropriate for the Council.

- 4 The three main actions undertaken when reviewing a policy include:
  - Maintain the current policy without amendment;
  - Maintain the policy with amendments; and
  - Delete the policy if it is no longer required, for example if these are covered under the *Local Government Act 1995* and regulations or has been incorporated into another policy.
- 5 It is now also a requirement of the *Local Government (Financial Management) Regulations, Reg 44(a)*, in relation to fees, expenses or allowances paid to council members to include in the annual financial report for each person, the nature of the fee, expense or allowance.
- 6 Attachment 1 is a copy of the policy as it currently exists.
- 7 Attachment 2 is a copy of the existing policy with the proposed changes tracked on the document.
- 8 Attachment 3 is a copy of the final policy with all proposed changes incorporated i.e. clean copy of the final document.

#### STRATEGIC/POLICY IMPLICATIONS

- 9 Key Result Area 3 – Good Governance
  - 3.3 To provide responsible and accountable governance and management of the EMRC.

#### FINANCIAL IMPLICATIONS

- 10 Nil

#### SUSTAINABILITY IMPLICATIONS

- 11 The policy under review contributes to sustainability by informing management and the public about key Council principles.

#### RISK MANAGEMENT

Risk – Non Compliance with Local Government Act and Administration Regulations.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council to adopt the new and revised Council policy 3.1		



## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	Nil
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

- 1 Travelling Costs Incurred by Council Members Policy 1.4 - Original (D2021/18156)
- 2 Travelling Costs Incurred by Council Members Policy 1.4 with tracked changes (D2021/18157)
- 3 Travelling Costs Incurred by Council Members Policy 1.4 - Final (D2021/18161)

## VOTING REQUIREMENT

Simple Majority

## RECOMMENDATION(S)

That:

- 1 Revised EMRC Policy 1.4 - Travelling Costs Incurred by Council Members Policy forming attachment 3 to this report be adopted by Council.
- 2 EMRC Policy 1.4 - Travelling Costs Incurred by Council Members Policy be next reviewed in the twelve months following the ordinary election day in 2023.

## COUNCIL RESOLUTION(S)

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT:

- 1 REVISED EMRC POLICY 1.4 - TRAVELLING COSTS INCURRED BY COUNCIL MEMBERS POLICY FORMING ATTACHMENT 3 TO THIS REPORT BE ADOPTED BY COUNCIL.
- 2 EMRC POLICY 1.4 - TRAVELLING COSTS INCURRED BY COUNCIL MEMBERS POLICY BE NEXT REVIEWED IN THE TWELVE MONTHS FOLLOWING THE ORDINARY ELECTION DAY IN 2023.

**CARRIED UNANIMOUSLY**



## 1.4 Travelling Costs Incurred by Council Members Policy

### STRATEGIC PLAN OBJECTIVE

3.3 To provide responsible and accountable governance and management of the EMRC.

### PURPOSE

To establish payment guidelines for members of Council for travelling on Council business.

### LEGISLATION

*Local Government Act (1995) s5.98 (2) – (4).*

*Local Government (Administration) Regulations 1996, Reg. 31, 32.*

### POLICY STATEMENT

1. Claims by members of Council for travelling costs:
  - a) because of the members attendance at a Council or committee meeting of which he or she is also a member of; or acting in the capacity as a Councillor of the EMRC;
  - b) associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the Eastern Metropolitan Regional Council; be reimbursed on the basis detailed in clause 2 of this policy.
2.
  - a) Where the member is using a private vehicle, the rate of reimbursement shall be in accordance with the rates laid down for making motor vehicle claims under the “cents per kilometre method” permissible under the *Income Tax Assessment Act 1997*.
  - b) Where the member is using a taxi or public transport the reimbursement shall be the actual amount of the fare paid by the member. A member may alternatively request to be issued with a Cabcharge voucher by the Chief Executive Officer. In the case of the Chairman, he or she may request to be issued with a Cabcharge card.
3. Claims for travelling costs must be in writing, detailing the date and purposes of the travel, be signed by the Councillor and in the case of claims for use of a private vehicle, include the opening and closing reading of the vehicles odometer in relation to each trip being reimbursed.

### FINANCIAL CONSIDERATIONS

A statutory provision which requires a budget allocation

Adopted/Reviewed by Council

1. 24 April 1997
2. 22 July 1999
3. 02 May 2002
4. 26 June 2003
5. 20 May 2004
6. 23 February 2006
7. 18 September 2008
8. 23 September 2010
9. 18 September 2014
10. 06 December 2018

Next Review

Following the Ordinary Elections in 2021

Responsible Directorate

Corporate Services



## 1.4 Travelling Costs Incurred by Council Members Policy

### STRATEGIC PLAN OBJECTIVE

3.3 To provide responsible and accountable governance and management of the EMRC.

### PURPOSE

To establish payment guidelines for members of Council for travelling on Council business.

### LEGISLATION

*Local Government Act (1995) s5.98 (2) – (4).*

*Local Government (Administration) Regulations 1996, Reg. 31, 32.*

### POLICY STATEMENT

1. Claims by members of Council for travelling costs where:
  - a) ~~The~~because of the members attendance at a Council or committee meeting of which he or she is also a member of; or acting in the capacity as a Councillor of the EMRC;
  - b) ~~The member is attending in his/her capacity~~ associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the Eastern Metropolitan Regional Council; be reimbursed on the basis detailed in clause 2 of this policy.
2. ~~ca)~~ ~~The~~Where the member is using a private vehicle, the rate of reimbursement shall be in accordance with the rates laid down for making motor vehicle claims under the "cents per kilometre method" permissible under the *Income Tax Assessment Act 1997*.
- ~~db)~~ ~~The~~Where the member is using a taxi or public transport the reimbursement shall be the actual amount of the fare paid by the member. ~~A member may alternatively request to be issued with a Cabcharge voucher by the Chief Executive Officer. In the case of the Chairman, he or she may request to be issued with a Cabcharge card.~~
- ~~3.2.~~ Claims for travelling costs must be in writing, detailing the date and purposes of the travel, be signed by the Councillor and in the case of claims for use of a private vehicle, include the opening and closing reading of the vehicles odometer in relation to each trip being reimbursed.

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## FINANCIAL CONSIDERATIONS

A statutory provision which requires a budget allocation

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Adopted/Reviewed by Council

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9. 18 September 2014
10. 06 December 2018
- 40-11. 21 September 2021

Next Review

Following the Ordinary Elections in 20212023

Responsible Directorate

Corporate ServicesBusiness Support



## Council Policy 1.4

### Travelling Costs Incurred by Council Members Policy

#### Strategic Plan Objective

3.3 To provide responsible and accountable governance and management of the EMRC.

#### Purpose

To establish payment guidelines for members of Council for travelling on Council business.

#### Legislation

*Local Government Act (1995) s5.98 (2) – (4)*

*Local Government (Administration) Regulations 1996, Reg. 31, 32*

*Local Government (Financial Management) Regulations 1996, Reg. 44*

#### Policy Statement

- Claims by members of Council for travelling costs where:
  - ⇒ The members attendance at a Council or committee meeting of which he or she is also a member of; or acting in the capacity as a Councillor of the EMRC;
  - ⇒ The member is attending in his/her capacity associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the EMRC; be reimbursed on the basis detailed in clause 2 of this policy.
  - ⇒ The member is using a private vehicle, the rate of reimbursement shall be in accordance with the rates laid down for making motor vehicle claims under the “cents per kilometre method” permissible under the *Income Tax Assessment Act 1997*.
  - ⇒ The member is using a taxi or public transport the reimbursement shall be the actual amount of the fare paid by the member.
- Claims for travelling costs must be in writing, detailing the date and purposes of the travel, be signed by the Councillor and in the case of claims for use of a private vehicle, include the opening and closing reading of the vehicle’s odometer in relation to each trip being reimbursed.

## Financial Considerations

A statutory provision which requires a budget allocation.

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Adopted/Reviewed	24 April 1997
	22 July 1999
	2 May 2002
	26 June 2003
	20 May 2004
	23 February 2006
	18 September 2008
	23 September 2010
	18 September 2014
	6 December 2018
	23 September 2021
Next Review	Following the Ordinary Elections in 2023
Responsible Unit	Business Support Team

## **14.5 REVIEW OF RESERVES**

**D2021/18162**

### **PURPOSE OF REPORT**

The purpose of this report is to seek Council approval for the closing of five Reserves that are no longer utilised as part of the EMRC's operations.

### **KEY POINT(S)**

- The EMRC's Reserves were originally established under the provisions of the *Local Government Act 1995* to set aside money for specific purposes.
- A review of the current EMRC Reserves has established that five Reserves are no longer required to be utilised as part of the EMRC's operations and are to be closed off with any funds held in these Reserves to be transferred to the EMRC's Municipal Fund.

### **RECOMMENDATION(S)**

That:

- 1 Council by absolute majority in accordance with s.6.11(2)(b) of the *Local Government Act 1995* authorises the transfer of funds from the Reserves proposed to be closed to the EMRC's Municipal Fund.
- 2 Council authorises the following EMRC Reserves be closed off after the funds held in these Reserves is transferred to the EMRC's Municipal Fund:
  - Environmental Insurance Reserve;
  - Risk Management Reserve;
  - Building Refurbishment (Ascot Place) Reserve;
  - Regional Development Reserve; and
  - Site Rehabilitation (Ongoing) Reserve.
- 3 Local public notice be given of the transfer to the EMRC's Municipal Fund of money in the Reserves proposed to be closed.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

- 1 The EMRC's Reserves were originally established under the provisions of the *Local Government Act 1995* to set aside money for specific purposes.

### **REPORT**

- 2 A review of the current EMRC Reserves has established that the following five Reserves are no longer required to be utilised as part of the EMRC's operations and are to be closed off with the funds held in these Reserves to be transferred to the EMRC's Municipal Fund.



### **3 Environmental Insurance Reserve**

This reserve was established to provide funds to enable the EMRC to immediately respond to the need for repairs to, or rectification of damage to the environment surrounding the Red Hill waste disposal site as a result of any incident not covered by the EMRC's existing insurance policies.

The Reserve was initially set up when the EMRC were "self-insuring" against environmental impacts/pollution at the Red Hill facility when no other forms of insurance were available. This is no longer required as insurance coverage is now available with the premium covered as required via the annual budget deliberation process.

Balance of the Reserve as at 31 July 2021 totals: \$59,673.

### **4 Risk Management Reserve**

This reserve was established to receive surpluses from the Risk Management Service. This reserve was to be utilised in funding the future requirements of the service in subsequent financial years.

No additional funds are currently being allocated to this reserve annually other than the interest earnings on the current balance.

Due to the operational activity of the Risk Management Service being cancelled, this reserve is no longer required.

Balance of the Reserve as at 31 July 2021 totals: \$15,822.

### **5 Building Refurbishment Reserve**

This reserve was established to accumulate and provide funds for the refurbishment of the Ascot Place administration building.

No additional funds are currently being allocated to this reserve annually other than the interest earnings on the current balance. Any refurbishment funding required is undertaken through the annual budget process.

This Reserve is no longer required.

Balance of the Reserve as at 31 July 2021 totals: \$79,888.

### **6 Regional Development Reserve**

This reserve was established to accumulate and provide funds to a maximum of \$500,000 annually to enable the EMRC to fund Regional Development activities, in particular the deficit in the funding.

This Reserve is no longer required as funding is provided to the Sustainability Team through the annual budget process.

Balance of the Reserve as at 31 July 2021 totals: \$Nil

## 7 Site Rehabilitation Reserve – Ongoing

This reserve was established to fund the ongoing rehabilitation of the completed cells at the Red Hill waste disposal site.

This is no longer required as funding is provided as required via the annual budget deliberation and allocation process.

Balance of the Reserve as at 31 July 2021 totals: \$Nil

## STRATEGIC/POLICY IMPLICATIONS

### 8 Key Result Area 3 – Good Governance

3.3 To provide responsible and accountable governance and management of the EMRC

3.4 To continue to improve financial and asset management practice

## FINANCIAL IMPLICATIONS

9 As reflected in the report.

## SUSTAINABILITY IMPLICATIONS

10 The funds currently held in the Reserves proposed to be closed can be utilised for alternative purposes.

## RISK MANAGEMENT

Risk – Non utilization of funds currently held in Reserves no longer being utilised		
Consequence	Likelihood	Rating
Moderate	Likely	Moderate
Action/Strategy		
➤ Funds held in the Reserves proposed to be closed be transferred to the EMRC's Municipal Fund		

## MEMBER COUNCIL IMPLICATIONS

### Member Council

Town of Bassendean  
City of Bayswater  
City of Kalamunda  
Shire of Mundaring  
City of Swan

### Implication Details

Nil

## ATTACHMENT(S)

Nil

## VOTING REQUIREMENT

Absolute Majority

## RECOMMENDATION(S)

That:

- 1 Council by absolute majority in accordance with s.6.11(2)(b) of the *Local Government Act 1995* authorises the transfer of funds from the Reserves proposed to be closed to the EMRC's Municipal Fund.
- 2 Council authorises the following EMRC Reserves be closed off after the funds held in these Reserves is transferred to the EMRC's Municipal Fund:
  - Environmental Insurance Reserve;
  - Risk Management Reserve;
  - Building Refurbishment (Ascot Place) Reserve;
  - Regional Development Reserve; and
  - Site Rehabilitation (Ongoing) Reserve.
- 3 Local public notice be given of the transfer to the EMRC's Municipal Fund of money in the Reserves proposed to be closed.

## COUNCIL RESOLUTION(S)

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT:

- 1 COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.6.11(2)(B) OF THE *LOCAL GOVERNMENT ACT 1995* AUTHORISES THE TRANSFER OF FUNDS FROM THE RESERVES PROPOSED TO BE CLOSED TO THE EMRC'S MUNICIPAL FUND.
- 2 COUNCIL AUTHORISES THE FOLLOWING EMRC RESERVES BE CLOSED OFF AFTER THE FUNDS HELD IN THESE RESERVES IS TRANSFERRED TO THE EMRC'S MUNICIPAL FUND:
  - ENVIRONMENTAL INSURANCE RESERVE;
  - RISK MANAGEMENT RESERVE;
  - BUILDING REFURBISHMENT (ASCOT PLACE) RESERVE;
  - REGIONAL DEVELOPMENT RESERVE; AND
  - SITE REHABILITATION (ONGOING) RESERVE.
- 3 LOCAL PUBLIC NOTICE BE GIVEN OF THE TRANSFER TO THE EMRC'S MUNICIPAL FUND OF MONEY IN THE RESERVES PROPOSED TO BE CLOSED.

**CARRIED UNANIMOUSLY**

## **14.6 DECLASSIFICATION OF COUNCIL CONFIDENTIAL ITEMS**

**D2021/18163**

### **PURPOSE OF REPORT**

To seek Council approval for the declassification of the confidential items identified in the list of documents scheduled for declassification forming the attachment to this report.

### **KEY POINT(S)**

- The EMRC has been documenting items including confidential items electronically since 2001.
- Documents that have been classified as confidential over the years were not published on the EMRC's website and were only available to Councillors, Committee members, CEO's and technical officers for the purposes of Council and Committee meetings.
- A list of confidential items for the period from 2001 to 2014 (inclusive) in relation to all EMRC tenders and the Resource Recovery Facility, forming the attachment to this report, have been identified for declassification.
- Declassification of confidential items relating to other projects or categories shall be dealt with at a future meeting of Council and under a separate report to Council.

### **RECOMMENDATION(S)**

That the confidential items listed in the schedule forming the attachment to this report be declassified and available for public inspection in accordance with section 5.95(7) of the *Local Government Act 1995*.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

- 1 Providing information to the public is fundamental to the principles of section 1.3(2) of the *Local Government Act 1995*.
- 2 The EMRC acknowledges the sensitivity of confidential information that is received as a public authority to conduct its business that may relate to individual ratepayer details, commercial proposals, contractual and legal constraints.
- 3 Access to such confidential information is generally restricted to authorised individuals who are required to be aware of the information to be able to properly perform their function. Such authorised persons are determined by the EMRC CEO.
- 4 The EMRC has items classified as confidential dating back to 2001 and because of the passage of time the declassification of the confidential items is due and shall be done on a project basis. Further reports to Council to declassify confidential items will be prepared in due course.

### **REPORT**

- 5 Confidential information may be in the form of anything oral, written or printed matter, maps, plans or photographs, sounds or visual images, processes of a personal or commercial nature.

- 6 Where the access to such confidential information is part of the individual's duty whilst representing the EMRC, it is the individual's responsibility to ensure that confidential information is treated as such, so as not to harm, prejudice and compromise the interests of the EMRC or any individual or organisation, or to gain any advantage by them or to another party by having access to such confidential information.
- 7 Section 5.23 of the *Local Government Act 1995* allows meetings to be held in a 'closed' environment where access to such confidential matters is restricted to certain individuals or groups.
- 8 Sections 5.95(6) and 5.95(7) of the *Local Government Act 1995* state:  
*(6) Subject to subsection (7), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —*  
*(a) referred to in a paragraph of that section that is prescribed as being confidential information for the purposes of this subsection; or*  
*(b) referred to in that section of a type prescribed as confidential for the purposes of this subsection, for the period of time prescribed in relation to the information.*  
*(7) Subsection (6) does not apply in respect of information in relation to a local government if —*  
*(a) the information is prescribed as information that is confidential but that may be available for inspection if the local government so resolves; and*  
*(b) the local government has resolved that the information is to be available for inspection.*
- 9 The list of confidential items scheduled for declassification in accordance with section 5.95(7) of the *Local Government Act 1995* forming the attachment to this report is related to all EMRC tenders from 2001 to 2014 (inclusive) as well as any confidential items relating to the Resource Recovery Facility dating from 2001 to 2014 (inclusive).
- 10 There is a total of 35 confidential items relating to EMRC tenders and the Resource Recovery Facility in the period 2001 to 2014 to be declassified as part of this round of declassifications. Access to each of the identified confidential items for review has been issued to Council members.
- 11 Please note that there are no confidential items relating to EMRC tenders and the Resource Recovery Facility in the period 2001 to 2005 inclusive.

## **STRATEGIC/POLICY IMPLICATIONS**

- 12 Key Result Area 3 – Good Governance  
3.3 To provide responsible and accountable governance and management of the EMRC

## **FINANCIAL IMPLICATIONS**

- 13 Nil

## **SUSTAINABILITY IMPLICATIONS**

- 14 Nil

**Risk – Non Compliance with the *Local Government Act 1995***

Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council approval is required to declassify the identified documents in the schedule attachment		

**MEMBER COUNCIL IMPLICATIONS**

**Member Council**

Town of Bassendean  
City of Bayswater  
City of Kalamunda  
Shire of Mundaring  
City of Swan

**Implication Details**

Nil

**ATTACHMENT(S)**

List of documents scheduled for declassification (D2021/18165)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION(S)**

That the confidential items listed in the schedule forming the attachment to this report be declassified and available for public inspection in accordance with section 5.95(7) of the *Local Government Act 1995*.

**COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT THE CONFIDENTIAL ITEMS LISTED IN THE SCHEDULE FORMING THE ATTACHMENT TO THIS REPORT BE DECLASSIFIED AND AVAILABLE FOR PUBLIC INSPECTION IN ACCORDANCE WITH SECTION 5.95(7) OF THE *LOCAL GOVERNMENT ACT 1995*.

**CARRIED UNANIMOUSLY**

## List of Documents Scheduled for Declassification

- Resource Recovery Facility 2001 -2014
- All Requests for Tender (RFT) 2001 - 2014

No.	Year	Title of Confidential Document	Description	Document No.
1	2014	RRC - Resource Recovery Committee - Report - Item 14.1/Item 19.1 Confidential - Power Purchase Agreement - 19/06/2014	To seek Council approval for delegated authority for the CEO to enter into an agreement for the sale of power from the proposed Hazelmere Wood Waste to Energy plant.	D2014/06931
2	2014	RRC - Resource Recovery Committee - Confidential Report Final - 5/6/2014	For the Resource Recovery Committee to seek Council approval for delegated authority for the CEO to enter into an agreement for the sale of power from the proposed Hazelmere Wood Waste to Energy plant.	D2014/06495
3	2014	RRC - Resource Recovery Committee - Report - Item 14.1 Confidential - Power Purchase Agreement - 5/6/2014	To seek Council approval for delegated authority for the CEO to enter into an agreement for the sale of power from the proposed Hazelmere Wood Waste to Energy plant.	D2014/06186
4	2013	Confidential Report - RRC Item 14.1 Resource Recovery Facility, Red Hill - Tender Process - 5 September 2013	To advise Council of the options available for the tender process for the Resource Recovery Facility (RRF).	DMDOC/183560
5	2011	Confidential Report - RRC - Resource Recovery Committee - Item 10.1 Resource Recovery Facility Acceptable Tenderers – 9 June 2011	To advise Council of changes to the Acceptable Tenderer list for the Resource Recovery Project.	DMDOC/145966
6	2011	Confidential Report - CEOAC - CEO Advisory Committee - Item 10.1 Tender for the Receipt & Disposal of Waste Late Item - 8 February 2011	To seek Council's authority for the Chief Executive Officer to submit a tender for the receipt and disposal of waste from the Southern Metropolitan Regional Council (SMRC).	DMDOC/142792
7	2011	Confidential Report Attachment to TAC Item 9.3 Tender 2010-05 Supply and Installation of Transportable Administration Office at Red Hill - 3 February 2011	Recommendation Report – Supply and installation of transportable administration building for the Red Hill Waste Management Facility.	DMDOC/142280

8	2010	Confidential Report - RRC - Resource Recovery Committee - Item 10.1 Confidential Discussion on Confidential Attachment to Item 9.5 Resource Recovery Facility Site Location Study - 18 November 2010	Record of confidential discussion to confidential attachment to item 9.5 Resource Recovery Facility - Site Location Study.	DMDOC/140010
9	2010	Confidential Report Attachment to RRC Item 10.1 - Task 6 Resource Recovery Facility Red Hill Site Placement Study - 18 November 2010	Red Hill site placement study.	DMDOC/139502
10	2010	Confidential Report attachment to RRC Item 9.2 - Visit to Resource Recovery Facilities, January 2010 PDF - 8 April 2010	Resource Recovery Facility visits report, January 2010	DMDOC/129184
11	2009	Confidential Report - RRC - Resource Recovery Committee - Item 10.1 Progress Report on Expression of Interest Process – 13 August 2009	Progress report on expression of interest process.	DMDOC/118747
12	2009	Confidential Report Attachment to RRC Item 10.1 - EMRC Resource Recovery Facility Expressions of Interest TEC Evaluation – 13 August 2009	EMRC Resource Recovery Facility Expression of Interest TEC evaluation report version 2a.	DMDOC/118102
13	2009	Confidential Report Attachment 1 to RRC Item 9.4 - EMRC Resource Recovery Facility Expression of Interest TEC Evaluation Report - 13 August 2009	EMRC Resource Recovery Facility Expression of Interest TEC evaluation report version 2.	DMDOC/117978
14	2009	Confidential Report - Ordinary Council - Item 15.3 Confidential Discussion RRC Agenda Item 9.1 Progress Report Resource Recovery Facility Expression of Interest Process – 25 June 2009	Confidential discussion – RRC agenda item 9.1 progress report - Resource Recovery Facility expressions of interest process.	DMDOC/116020
15	2008	Confidential Report - TAC - Technical Advisory Committee - Item 9.2 Recommendation Report for the Supply & Delivery of 14 Tonne Excavator - 4 September 2008	Recommendation Report - Supply and Delivery of a 14Tonne Excavator with extended warranty and maintenance option.	DMDOC/89150
16	2008	Confidential Discussion - RRC - Item 6.1 Confidential Presentation on EMRC Risk Assessment Resource Recovery Project	Confidential presentation on EMRC risk assessment Resource Recovery Project.	DMDOC/84357
17	2008	Confidential discussion - RRC - Item 6.1 Mary-Ann's Rough Notes	Notes on confidential presentation on EMRC risk assessment Resource Recovery Project.	DMDOC/84230



18	2008	Confidential Report - Ordinary Council - Item 19.3 Item 10.1 of Resource Recovery Committee Minutes - EMRC Preferred Resource Recovery Facility Options Progress Report - 20 March 2008	To advise Council on the preferred options for the Resource Recovery Facility (RRF) in terms of the siting of a facility, technology type, type of contract and staging of the facility.	DMDOC/79902
19	2008	Confidential Report Attachment to Resource Recovery Committee Item 10.1 - Task 4 Consultation Feedback - 13 March 2008	Consultation feedback report.	DMDOC/79676
20	2008	Confidential Report - RRC - Resource Recovery Committee - Item 10.1 EMRC Preferred Resource Recovery Facility Options Report - 13 March 2008	EMRC preferred Resource Recovery Facility (RRF) options progress report.	DMDOC/79045
21	2008	Confidential Report - RRC - Resource Recovery Committee - Item 9.1 Attendance at the 2007 ISWA and Sardinia Conferences & Visits to London Remade and Resource Recovery Facilities - 13 March 2008	To advise Council of the outcomes from attendance at the waste management conferences ISWA World Congress (Amsterdam), Sardinia Landfill Symposium (Italy) and visits to London Remade and resource recovery facilities in Europe.	DMDOC/79043
22	2008	Confidential Report Attachment to Council Item 19.2 - EMRC Preferred Resource Recovery Facility Options - 21 February 2008	Draft copy of the EMRC preferred Resource Recovery Facility options.	DMDOC/78731
23	2008	Confidential Report - RRC - Resource Recovery Committee - Item 6.1 Confidential Presentation on EMRC Preferred Resource Recovery Facility Options Report - 7 December 2008	Confidential presentation on EMRC preferred Resource Recovery Facility options report.	DMDOC/78321
24	2008	Confidential Report Attachment to RRC Item 10.1 - EMRC Preferred Resource Recovery Facility Options - 7 February 2008	Draft copy of the EMRC preferred Resource Recovery Facility options presented to the RRC.	DMDOC/77835
25	2008	Confidential Report - Resource Recovery Committee - RRC - Item 10.1 EMRC Preferred Resource Recovery Facility Options Report - 7 February 2008	To advise Council on the preferred options for the Resource Recovery Facility (RRF) in terms of the siting of a facility, technology type, type of contract and staging of the facility.	DMDOC/77293
26	2008	Confidential Report - RRC - Resource Recovery Committee - Item 9.3 Attendance at the 2007 ISWA and Sardinia Conferences & Visits to London Remade and Resource Recovery Facilities - 7 February 2008	To advise Council of the outcomes from attendance at the waste management conferences ISWA World Congress (Amsterdam), Sardinia Landfill Symposium (Italy) and visits to London Remade and resource recovery facilities in Europe.	DMDOC/77292

27	2007	Confidential Report Attachment to RRC Item 9.1 - Executive Summary - 18 October 2007	Executive Summary – Cardno BSD/Meinhardt Joint Venture	DMDOC/73340
28	2007	Confidential Report - RRC - Resource Recovery Committee - Item 10.1 Task 5 Report Assessment of Sites & Technologies - 18 October 2007	To advise Committee and Council of the results and recommendations of the Cardno BSD Meinhardt Task 5 Report - Assessment of Sites and Technologies Final Report.	DMDOC/71563
29	2007	REPORT Confidential - RRC - Resource Recovery Committee - Item 10.1 Resource Recovery Project Review - Mary-Ann's Rough Notes	To advise Council of the outcome of a review of the project due to concerns about available resource recovery technologies (rough notes).	DMDOC/68217
30	2007	Confidential Report Attachment to RRC Item 10.1 - Cardno BSD Meinhardt Consultancy Contract - 14 June 2007	Cardno BSD Meinhardt Consultancy Contract	DMDOC/67662
31	2007	Confidential Report - RRC - Resource Recovery Committee - Item 10.1 Resource Recovery Project Review - 14 June 2007	To advise Council of the outcome of a review of the project due to concerns about available resource recovery technologies.	DMDOC/66038
32	2006	Confidential Report - TAC -Technical Advisory Committee - Item 10.2 Tender 2006-8 Construction of Landfill & Leachate Pond - 7 September 2006	The purpose of this report is to advise Council of the results of Tender No 2006/8 – Construction of Landfill and Leachate Pond to recommend a preferred tenderer and propose that the base price around which Class III and Class IV contaminated soil disposal prices are negotiated to be increased (PDF version).	DMDOC/150360
33	2006	REPORT Confidential - TAC/COUNCIL - Item 10.2 - Mary-Ann's Rough Notes	The purpose of this report is to advise Council of the results of Tender No 2006/8 – Construction of Landfill and Leachate Pond, to recommend a preferred tenderer and propose that the base price around which Class III and IV contaminated soil disposal prices are negotiated be increased. Draft notes.	DMDOC/56778
34	2006	Confidential Report Attachment to TAC Item 9.4 - Tender Assessment - 7 September 2006	Tender assessment matrix	DMDOC/56736
35	2006	Confidential Report - TAC - Technical Advisory Committee - Item 10.2 Tender 2006-8 Construction of Landfill & Leachate Pond - 7 September 2006	The purpose of this report is to advise Council of the results of Tender No 2006/8 – Construction of Landfill and Leachate Pond, to recommend a preferred tenderer and propose that the base price around which Class III and IV contaminated soil disposal prices are negotiated be increased.	DMDOC/56085
NA	2005-2001	Nil	Nil	NA

## 14.7 UPDATE ON THE CIRCULAR ECONOMY IN WA

D2021/18166

### PURPOSE OF REPORT

To provide Council with an update on the Circular Economy in WA and the likely next steps.

### KEY POINT(S)

- The EMRC prepared a draft submission to DWER on Closing the loop waste reforms for a circular economy which was endorsed by Council in July 2020
- The EMRC was awarded grant funding in November 2020 through the Department of Water and Environmental Regulation (DWER) Waste Sorted grants to run a Circular Economy Masterclass.
- The Circular Economy Masterclass was held in June 2021
- A WA Masterclass Alumni was created as a result of the Circular Economy Masterclass series
- A series of Webinars are being developed to showcase some of the Masterclass key presentations
- A Circular Economy WA (CEWA) not for profit is being established in WA.
- Circular Economy not for profits have recently been established by the states of South Australia and Victoria.

### RECOMMENDATION(S)

That Council notes the Circular Economy report and the EMRC's preliminary involvement in the establishment of a Circular Economy WA (CEWA) entity.

### SOURCE OF REPORT

Chief Executive Officer

### BACKGROUND

- 1 Council, at its July 2020 meeting, approved two EMRC's draft submissions to DWER, including; *Closing the Loop Waste Reforms for a Circular Economy*.
- 2 *THAT COUNCIL ENDORSES:*
  1. *THE DRAFT 'REVIEW OF THE WASTE LEVY' SUBMISSION FORMING ATTACHMENT 1 OF THIS REPORT, AS AMENDED AND BE SUBMITTED TO THE DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION ON FRIDAY 24 JULY 2020.*
  2. *THE DRAFT 'WASTE REFORMS FOR A CIRCULAR ECONOMY' SUBMISSION FORMING ATTACHMENT 2 OF THIS REPORT, AS AMENDED AND BE SUBMITTED TO THE DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION ON FRIDAY 24 JULY 2020.*
- 3 *CARRIED UNANIMOUSLY*  
In November 2020, the EMRC applied for and was subsequently awarded grant funding through the Department of Water and Environmental Regulation (DWER) Waste Sorted grants to run a Circular Economy Masterclass series, which was held in June 2021
- 4 The WA Circular Economy Masterclass, held in June 2021, was supported by the WA Government, opened by the Hon Amber-Jade Sanderson, Minister for the Environment, Climate Action and Commerce and supported by DWER's Director General, Michelle Andrews and the Chair of the Waste Authority, Reg Howard-Smith.
- 5 The Masterclass achieved a number of key outcomes:
  1. It brought together key people from the government and achieved a common understanding of circular economy.

2. It exposed the participants to Circular Economy Principles, Global Trends, Best Practices, and Opportunities.
  3. It highlighted significant environmental and economic opportunities for WA by transitioning to a circular economy.
  4. It provided a strong inspiration to the participants to work together in accelerating the transition to the circular economy.
  5. It highlighted the critical importance for WA to be part of a national and global alliance to leverage intellectual and financial capital.
  6. A WA Masterclass Alumni was created as a result of the Circular Economy Masterclass series.
- 6 Interviews with the United Nations, the World Bank and the Global Green Growth Institute provided insights on the global movement for the transition to a circular economy, to meet climate change obligations and to address the UN Sustainable Development Goals (SDGs). It also represented an economic opportunity of US\$4.5 trillion dollars per annum.

## REPORT

- 7 In terms of the next steps since the WA Circular Economy Masterclass, the EMRC will be holding a series of webinars to continue to get the message out in WA about the Circular Economy. With the WA state government announcing a Net Zero target by 2050, embracing a Circular Economy is going to be critical for the state to achieve its Net Zero target.
- 8 As direct result of the Masterclass there has been some interest to develop a dedicated Circular Economy not for profit organisation in Western Australia, 'Circular Economy WA' (CEWA).
- 9 This follows on from the newly established not-for-profit 'Global Centre of Excellence in Circular Economy' in South Australia with government and private sector funding and the development of a Victorian not for profit; 'Circular Economy Victoria' (CEV), which has also just been developed. There are significant opportunities for partnerships and knowledge sharing between the states to create a strong Circular Economy alliance and collaboration between WA, SA and Victoria.
- 10 The EMRC administration has provided some very preliminary support towards the establishment of CEWA and recognises the opportunity of consultancy, or fee for service work to CEWA once it has been formed. To date there has been interest in CEWA from a number of WA agencies and it is likely that the CEWA not for profit organisation may be created in the coming months.
- 11 Should CEWA be interested in the EMRC providing consultancy work for the not for profit agency such work would be bound by a Memorandum of Understanding (MOU) or similar agreement which would result in a further report back to Council for endorsement.

## STRATEGIC/POLICY IMPLICATIONS

- 12 Key Result Area 1 - Environmental Sustainability
- 1.5 To contribute towards improved regional air, water & land quality, regional biodiversity conservation and address climate change
- Key Result Area 2 - Economic Development
- 2.2 To facilitate and advocate for regional economic development activities
- Key Result Area 3 - Good Governance
- 3.2 To manage partnerships and relationships with stakeholders

## FINANCIAL IMPLICATIONS

- 13 Nil at this stage, however the provision of consultancy services may result in increased income for the EMRC.

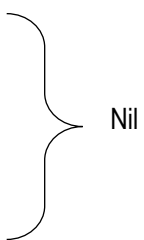
## SUSTAINABILITY IMPLICATIONS

- 14 The EMRC operates in pursuit of sustainability objectives which are integrated wherever possible in all activities undertaken by the organisation.

## RISK MANAGEMENT

Risk – Non Compliance with Financial Regulations		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ To ensure that any consultancy work is costed at the approved Council rates		

## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

Nil

## VOTING REQUIREMENT

Simple Majority

**RECOMMENDATION(S)**

That Council notes the Circular Economy report and the EMRC's preliminary involvement in the establishment of Circular Economy WA (CEWA) entity.

**COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT COUNCIL NOTES THE CIRCULAR ECONOMY REPORT AND THE EMRC'S PRELIMINARY INVOLVEMENT IN THE ESTABLISHMENT OF CIRCULAR ECONOMY WA (CEWA) ENTITY.

**CARRIED UNANIMOUSLY**

## 14.8 MEETING DATES FOR 2022

D2021/18167

### PURPOSE OF REPORT

The purpose of this report is for Council to consider and adopt the dates for the Eastern Metropolitan Regional Council (EMRC) Ordinary Council and Committee meetings for 2022.

### KEY POINT(S)

- Section 5.25(1)(g) of the *Local Government Act 1995* and r.12 of the *Local Government (Administration) Regulations 1996* requires that at least once each year local public notice is to be given of all Ordinary Council meetings and Committee meeting dates, times and places that are to be open to the public and are to be held in the next twelve (12) months.
- Proposed dates for the EMRC's Ordinary Council, Agenda Briefing Sessions, Information Sessions, Audit Committee and Chief Executive Officer Performance Review Committee for the 2022 calendar year are as detailed within this report.

### RECOMMENDATION(S)

That:

- 1 Council adopts the Ordinary Council meeting and Committee meeting dates, times and places for 2022 as outlined in the report.
- 2 Notice be given in accordance with r.12 of the *Local Government (Administration) Regulations 1996*.

### SOURCE OF REPORT

Chief Financial Officer

### BACKGROUND

- 1 The EMRC develops a meeting calendar each year and when selecting suitable dates ensures that, where possible, there are no clashes with member Councils' meetings.
- 2 At the Ordinary Meeting of Council on 22 October 2020, Council (D2020/22101):
  1. *ENDORSES THE EMRC MEETING STRUCTURE FORMING ATTACHMENT 1 TO THIS REPORT.*
  2. *BY ABSOLUTE MAJORITY DISBAND THE CHIEF EXECUTIVE OFFICER ADVISORY COMMITTEE.*
  3. *BY ABSOLUTE MAJORITY DISBAND THE INVESTMENT COMMITTEE.*
  4. *BY ABSOLUTE MAJORITY DISBAND THE WASTE ADVISORY COMMITTEE.*
  5. *ADOPTS THE MEETING PROCEDURES FOR AGENDA BRIEFING FORUMS AND INFORMATION SESSIONS, FORMING THE ATTACHMENT TO THIS REPORT.*

### REPORT

#### Council's Governance Framework

- 3 Council historically sets a number of fixed meeting dates a year with the remaining meetings scheduled as "if required".

- 4 Following the decision by Council at its 22 October 2020 meeting, Council has two remaining Committees to assist in its decision-making. The role of the Committees is to consider matters within their terms of reference and provide advice to the Council.
- 5 The Ordinary Meeting of Council will be held on the fourth Thursday as required.
- 6 The Agenda Briefing Forums and the Information Sessions will be held on the second Thursday as required.
- 7 The Audit Committee meetings are to be held on the first Thursday as required.
- 8 The Chief Executive Officer Performance Review Committee meeting dates will be arranged and convened as required.

### 2022 Meeting Schedule

- 9 The schedule below sets out the proposed meeting dates for the 2022 calendar year. January is a recess period when EMRC Council and Committee meetings are not held. December is also a recess period due to the Christmas festive season. Meeting dates are therefore set for February through to November. Per s.5.3(2) of the *Local Government Act 1995*, Ordinary meetings are to be held not more than three months apart. Consequently, the February meeting is a required meeting.
- 10 The March meeting will be required for the Half Year Review and the Annual Compliance Order Return, while the June meeting is required to consider the Annual Budget.
- 11 As with prior years, the proposed meeting dates have taken into consideration the normal meeting calendar of member Councils.

### Ordinary Council Meetings commencing at 6:00pm:

- 12 Ordinary Council meetings will be held on the fourth Thursday of each month for February to November.

Thursday	24 February		at	EMRC Administration Office
Thursday	25 March		at	EMRC Administration Office
Thursday	28 April	(if required)	at	EMRC Administration Office
Thursday	26 May	(if required)	at	EMRC Administration Office
Thursday	23 June		at	EMRC Administration Office
Thursday	28 July	(if required)	at	EMRC Administration Office
Thursday	26 August	(if required)	at	EMRC Administration Office
Thursday	22 September	(if required)	at	EMRC Administration Office
Thursday	27 October	(if required)	at	EMRC Administration Office
Thursday	24 November	(if required)	at	EMRC Administration Office



#### **Agenda Briefing Forums commencing at 6:00pm:**

- 13 The Agenda Briefing Forums will be held on the second Thursday of each month for February to November. The April Agenda Briefing Forum will be held on the third Thursday as the second Thursday is the day before Good Friday and Easter Long Weekend.

Thursday	10 February		at	EMRC Administration Office
Thursday	10 March		at	EMRC Administration Office
Thursday	21 April	(if required)	at	EMRC Administration Office
Thursday	12 May	(if required)	at	EMRC Administration Office
Thursday	9 June		at	EMRC Administration Office
Thursday	14 July	(if required)	at	EMRC Administration Office
Thursday	11 August	(if required)	at	EMRC Administration Office
Thursday	8 September	(if required)	at	EMRC Administration Office
Thursday	13 October	(if required)	at	EMRC Administration Office
Thursday	10 November	(if required)	at	EMRC Administration Office

#### **Information Sessions commencing following the Agenda Briefing Forums:**

- 14 The Information Sessions will be held on the second Thursday of each month for February to November except for April due to the Easter long weekend.

Thursday	10 February		at	EMRC Administration Office
Thursday	10 March		at	EMRC Administration Office
Thursday	21 April	(if required)	at	EMRC Administration Office
Thursday	12 May	(if required)	at	EMRC Administration Office
Thursday	9 June		at	EMRC Administration Office
Thursday	14 July	(if required)	at	EMRC Administration Office
Thursday	11 August	(if required)	at	EMRC Administration Office
Thursday	8 September	(if required)	at	EMRC Administration Office
Thursday	13 October	(if required)	at	EMRC Administration Office
Thursday	10 November	(if required)	at	EMRC Administration Office

#### **Audit Committee (AC) meetings commencing at 6:00pm:**

- 15 AC meetings are generally held on the first Thursday of each month from March to November. The March meeting will be required for the Half Year Review and the Annual Compliance Audit Return, while the June meeting is required to consider the Annual Budget.

Thursday	3 March		at	EMRC Administration Office
Thursday	7 April	(if required)	at	EMRC Administration Office
Thursday	5 May	(if required)	at	EMRC Administration Office
Thursday	2 June		at	EMRC Administration Office
Thursday	7 July	(if required)	at	EMRC Administration Office
Thursday	4 August	(if required)	at	EMRC Administration Office
Thursday	1 September	(if required)	at	EMRC Administration Office
Thursday	6 October	(if required)	at	EMRC Administration Office
Thursday	3 November	(if required)	at	EMRC Administration Office

#### **Chief Executive Officer Performance Review Committee (CEOPRC) commencing following the Council Meeting**

- 16 The CEOPRC meeting will be held on the fourth Thursday following the Ordinary Meeting of Council.

Thursday	24 February	at	EMRC Administration Office
Thursday	23 June	at	EMRC Administration Office

#### **STRATEGIC/POLICY IMPLICATIONS**

- 17 Section 5.25(1)(g) of the *Local Government Act 1995* and r.12 of the *Local Government (Administration) Regulations 1996* requires that at least once each year local public notice is to be given of all Ordinary Council meetings and Committee meeting dates, times and places that are to be open to the public and are to be held in the next twelve (12) months.

#### **FINANCIAL IMPLICATIONS**

- 18 The costs of running the meetings have been included in the adopted budget.

#### **SUSTAINABILITY IMPLICATIONS**

- 19 Nil

**Risk – Non Compliance with the EMRC’s responsibility to maintain responsible and accountable governance and management of the organization.**

Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council to adopt the proposed 2022 meeting dates and advertising of the 2022 meeting dates.		

## MEMBER COUNCIL IMPLICATIONS

### Member Council

Town of Bassendean  
City of Bayswater  
City of Kalamunda  
Shire of Mundaring  
City of Swan

### Implication Details

Nil

## ATTACHMENT(S)

EMRC 2022 Meeting Dates Calendar (D2021/18168)

## VOTING REQUIREMENT

Simple Majority

## RECOMMENDATION(S)

That:

- 1 Council adopts the Ordinary Council meeting and Committee meeting dates, times and places for 2022 as outlined in the report.
- 2 Notice be given in accordance with r.12 of the *Local Government (Administration) Regulations 1996*.

## COUNCIL RESOLUTION(S)

MOVED CR G JOHNSON

SECONDED CR O’CONNOR

THAT:

- 1 COUNCIL ADOPTS THE ORDINARY COUNCIL MEETING AND COMMITTEE MEETING DATES, TIMES AND PLACES FOR 2022 AS OUTLINED IN THE REPORT.
- 2 NOTICE BE GIVEN IN ACCORDANCE WITH R.12 OF THE *LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996*.

**CARRIED UNANIMOUSLY**



## EMRC MEETING DATES 2022

January						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24*	25	26
27	28					

March						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23*	24	25
26	27	28	29	30		

July						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

	Council Meeting
	Audit Committee Meeting
	Agenda Briefing Forums and Information Sessions
	WA Public Holidays

\*CEO Performance Review Committee

All meetings are held at 226 Great Eastern Highway unless otherwise notified.

### WA Public Holidays 2022

Sat 1 Jan	New Year's Day
Weds 26 Jan	Australia Day
Mon 7 Mar	Labour Day
Fri 15 Apr	Good Friday
Mon 18 Apr	Easter Monday
Mon 25 Apr	ANZAC Day
Mon 6 Jun	WA Day
Mon 26 Sep	Queen's Birthday
Sun 25 Dec	Christmas Day
Mon 26 Dec	Boxing Day
Tues 27 Dec	Boxing Day Holiday

## **14.9 MATTRESS RECYCLING**

**D2021/18169**

### **PURPOSE OF REPORT**

To seek Council affirmation of the contractual agreement with Community Resources Limited T/A Soft Landing for the provision of mattress collection and recycling services from the Hazelmere Resource Recovery Park awarded under quotation from the WALGA Preferred Supplier Program.

### **KEY POINT(S)**

- A request for quote (RFQ) was issued on the WALGA Preferred Supplier Program for the Provision of Mattress Recycling Services in December 2020.
- Based on the anticipated volume over the one year contract, the total value of the contract would be under \$400,000 ex GST.
- Under the CEO's delegation of authority, the CEO exercised his powers to award Community Resources Limited T/A Soft Landing with a contract to the maximum value of the CEO's delegated authority limit of \$400,000 ex GST, commencing 15 February 2021 until 14 February 2022
- Over the recent months, the number of mattresses as recycled have surged and it is forecast that the total value of the contract will now exceed the initial forecast of under \$400,000 ex GST.
- As a result, Council is requested to affirm the contract awarded by the CEO.

### **RECOMMENDATION(S)**

That Council:

- 1 Affirms the CEO exercise of delegated authority to award the RFQ for the provision of mattress collection and recycling services to Community Resources Limited T/A Soft Landing.
- 2 Confirms the contractual agreement with Community Resources Limited T/A Soft Landing for a period of 12 months commencing 15 February 2021 until 14 February 2022 awarded through the WALGA Preferred Supplier Program.

### **SOURCE OF REPORT**

Chief Operating Officer

### **BACKGROUND**

- 1 The mattress processing operation at Hazelmere Resource Recovery Park (HRRP) has been operational since 2008.
- 2 Since December 2019 the EMRC has outsourced the mattress recycling to a third party contractor, Community Resources Limited T/A Soft Landing.
- 3 Following a review of Mattress Processing, at its meeting held on 18 June 2020 Council resolved that (Ref: D2020/05568):
  1. *COUNCIL ADOPTS OPTION 1 AS THE EMRC'S PREFERRED OPTION FOR PROCESSING MATTRESSES GOING FORWARD.*

2. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 6.16 OF THE LOCAL GOVERNMENT ACT 1995 ADOPTS THE 2020/2021 FEES AND CHARGES FOR THE MATTRESS DISPOSAL AS OUTLINED IN TABLE 3 IN THE REPORT.
3. COUNCIL IN ACCORDANCE WITH S.6.19 OF THE LOCAL GOVERNMENT ACT 1995, GIVES PUBLIC NOTICE THAT THE FEES AND CHARGES FOR THE MATTRESS DISPOSAL AS OUTLINED IN TABLE 3 IN THE REPORT ARE EFFECTIVE FROM 1 JULY 2020.
4. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

## REPORT

- 4 In December 2020, EMRC issued a request for quote (RFQ) through the WALGA Preferred Supplier Panel seeking the services of a suitable contractor to collect, process and recycle mattresses from the Hazelmere Resource Recovery Park for a 12 month period.
- 5 In accordance with s.11(2)(b) of the *Local Government (Functions & General) Regulations 1996*, tenders do not have to be publicly invited if the supply of goods or services is obtained through the WALGA Preferred Supplier Program.
- 6 The anticipated expenditure to the EMRC would have been under \$400,000 ex GST based on the anticipated volumes.  
  
Under the CEO's delegation of authority, the CEO exercised his powers to award the RFQ to Community Resources Limited T/A Soft Landing with a contract to the maximum value of the CEO's delegated authority limit of \$400,000 ex GST, commencing 15 February 2021 until 14 February 2022. As a result, Community Resources Limited T/A Soft Landing continued providing the service to the EMRC.
- 7 Since the contract award date, the number of incoming mattresses has increased significantly due to various factors including increased discretionary domestic spend over the past year that has seen a higher number of residents and commercial entities disposing of mattresses as well as other local government organisations choosing to dispose of their residents' mattresses at the HRRP.
- 8 As 85% of the materials in a mattresses can be recycled, this increase in mattress recycling is a fantastic environmental outcome.
- 9 Community Resources Limited T/A Soft Landing Is a not-for-profit organisation that employs disability workers and the increase in work is also a great social outcome.
- 10 By the end of August 2021, the total expenditure expenditure under the agreement has achieved more than 65% of the anticipated volume in six months. It is anticipated that at the current run rate, 100% of the anticipated volume would be achieved by November 2021.
- 11 As the RFQ was previously awarded by the CEO under delegated authority limit of \$400,000 ex GST, and cognisant that there will be no Ordinary Meeting of Council in October 2021, to ensure compliance and continuity of the mattress recycling service under the existing contractual agreement, Council's endorsement is sought to affirm the contractual arrangement with Community Resources Limited T/A Soft Landing for the provision of mattress recycling at the HRRP.

## STRATEGIC/POLICY IMPLICATIONS

- 12 Key Result Area 1 – Environmental Sustainability
  - 1.1 To provide sustainable waste disposal operations
  - 1.2 To provide resource recovery and recycling solutions in partnership with member Councils

## FINANCIAL IMPLICATIONS

- 13 The costs of the mattress recycling has been included in the Council approved 2021/2022 budget. The increase in cost is offset by the corresponding increase in revenue collected from the disposal fee.

## SUSTAINABILITY IMPLICATIONS

- 14 EMRC will continue to recycle mattresses with a materials recovery rate of approximately 85% through Community Resources Limited T/A Soft Landing.

## RISK MANAGEMENT

Risk – Non Compliance with a Delegation of Authority if contract value exceeds the \$400k threshold		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council to affirm the CEO's exercise of delegated authority and confirms the contractual agreement		

## MEMBER COUNCIL IMPLICATIONS

### Member Council

Town of Bassendean  
City of Bayswater  
City of Kalamunda  
Shire of Mundaring  
City of Swan

### Implication Details

Council approval is sought to ensure continuity of service under the contractual agreement.

## ATTACHMENT(S)

Nil

## VOTING REQUIREMENT

Simple Majority

## RECOMMENDATION(S)

That Council:

- 1 Affirms the CEO exercise of delegated authority to award the RFQ for the provision of mattress collection and recycling services to Community Resources Limited T/A Soft Landing.
- 2 Confirms the contractual agreement with Community Resources Limited T/A Soft Landing for a period of 12 months commencing 15 February 2021 until 14 February 2022 awarded through the WALGA Preferred Supplier Program.

**COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT COUNCIL:

- 1 AFFIRMS THE CEO EXERCISE OF DELEGATED AUTHORITY TO AWARD THE RFQ FOR THE PROVISION OF MATTRESS COLLECTION AND RECYCLING SERVICES TO COMMUNITY RESOURCES LIMITED T/A SOFT LANDING.
- 2 CONFIRMS THE CONTRACTUAL AGREEMENT WITH COMMUNITY RESOURCES LIMITED T/A SOFT LANDING FOR A PERIOD OF 12 MONTHS COMMENCING 15 FEBRUARY 2021 UNTIL 14 FEBRUARY 2022 AWARDED THROUGH THE WALGA PREFERRED SUPPLIER PROGRAM.

**CARRIED UNANIMOUSLY**



#### 14.10 ITEMS CONTAINED IN THE INFORMATION BULLETIN (D2021/17183)

The following items are included in the Information Bulletin, which accompanies the Agenda.

1. REGISTER OF COUNCIL RESOLUTIONS 2021 (D2021/17176)
2. CEO EXERCISE OF DELEGATED POWERS AND DUTIES (D2021/17178)
3. 2021/2022 COUNCIL TONNAGE COMPARISONS AS AT 31 AUGUST 2021 (D2021/17181)
4. COFFS HARBOUR WASTE CONFERENCE 2021 (D2021/18177)

#### **RECOMMENDATION**

That the Council notes the items contained in the Information Bulletin accompanying the 23 September 2021 Ordinary Meeting of Council Agenda.

#### **COUNCIL RESOLUTION**

MOVED CR G JOHNSON

SECONDED CR O'CONNOR

THAT THE COUNCIL NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 23 SEPTEMBER 2021 ORDINARY MEETING OF COUNCIL AGENDA.

**CARRIED UNANIMOUSLY**

#### **15 REPORTS OF COMMITTEES**

Nil

#### **16 REPORTS OF DELEGATES**

##### **16.1 MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) MINUTES HELD 25 AUGUST 2021**

Cr G Johnson, the MWAC delegate member for the EMRC, provided the minutes of the MWAC meeting held on 25 August 2021.

Cr G Johnson spoke to the minutes briefly.

The Chairman thanked Cr G Johnson for her good advocacy work on the MWAC.



# Municipal Waste Advisory Council

## Minutes

4.00pm Wednesday  
25 August 2021  
WALGA  
Online

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**ATTENDANCE**

Cr Doug Thompson (Fremantle)  
 Mayor Logan Howlett (Cockburn)  
 Mayor Ruth Butterfield (Armadale)  
 Cr Georgia Johnson (Bayswater)  
 Cr Bob Hall  
 Cr Karen Vernon (Victoria Park)  
 Cr Tresslyn Smith (Bunbury)  
 Mr Tony Battersby  
 Ms Jessica Felix  
 Mr Stefan Frodsham  
 Mr Chris Hoskisson (Joondalup)  
 Ms Ruth March (Albany)  
 Ms Rebecca Brown  
 Ms Candy Wong  
 Ms Tazra Hawkins  
 Ms Gráinne Whelan  
 Ms Nicole Matthews  
 Brian Robartson  
 Mr Marcus Geisler

Southern Metropolitan Regional Council  
 WALGA State Council  
 WALGA State Council  
 Eastern Metropolitan Regional Council  
 City of Greater Geraldton  
 Mindarie Regional Council  
 Bunbury Harvey Regional Council  
 Bunbury Harvey Regional Council  
 City of Greater Geraldton  
 Western Metropolitan Regional Council  
 Metropolitan Local Government  
 Non-Metropolitan Local Government  
 Municipal Waste Advisory Council  
 Municipal Waste Advisory Council  
 Municipal Waste Advisory Council  
 Municipal Waste Advisory Council  
 WA Local Government Association  
 City of Greater Geraldton  
 Eastern Metropolitan Regional Council

*Chair*

*Observer*

*Observer*

**APOLOGIES**

Ms Narelle Cant  
 Mayor Tracey Roberts  
 Mr John McNally  
 Mr Gunther Hoppe  
 Mr Tim Youé  
 Cr Stephanie Stroud (Subiaco)  
 Mr Douglas Bruce

WA Local Government Association  
 WALGA President  
 Rivers Regional Council  
 Mindarie Regional Council  
 Southern Metropolitan Regional Council  
 Western Metropolitan Regional Council  
 Eastern Metropolitan Regional Council

*OAG Chair*

# 1 PROCEDURAL MATTERS

## 1.1 MWAC Minutes tabled at WALGA State Council

A summary of the Minutes of the Municipal Waste Advisory Council meeting held Wednesday, 30 June will be noted at the next WA Local Government Association State Council meeting.

# 2 MINUTES OF PREVIOUS MEETING

## 2.1 Confirmation of the Previous MWAC Minutes

### MUNICIPAL WASTE ADVISORY COUNCIL MOTION (MAYOR HOWLETT/MAYOR BUTTERFIELD)

That the Minutes of the meeting of the Municipal Waste Advisory Council held on Wednesday, 30 June 2021 be confirmed as a true and accurate record of the proceedings.

## 2.2 Business Arising from the Previous MWAC Minutes

A	Issue	August 2018 MWAC Item 3.4 Community and Industry Engagement Grant - Feedback		
	Action	That the Municipal Waste Advisory Council endorse: 1. Providing feedback to the Waste Authority on the CIE Projects 2. Undertaking the following Projects as staffing capacity allows: <ul style="list-style-type: none"> <li>○ Reuse Shop Awards</li> <li>○ Non-Metropolitan Waste Summit</li> <li>○ Container Deposit Scheme – events</li> </ul>		
	Timeframe		Status	Remove item, actions either complete or not a priority for 2021/22.
B	Issue	October 2020 MWAC Item 4.1 Strategic Planning for Non-Metropolitan Waste Management		
	Action	Correspondence be sent to the Waste Authority highlighting the need to fast track non-metropolitan waste planning – across all waste streams.		
	Timeframe		Status	Will be completed as part of work on Infrastructure WA Strategy.
C	Issue	June 2021 MWAC Item 3.2 Draft Advocacy Strategy for Effective Product Stewardships		
	Action	That the Municipal Waste Advisory Council endorse the Draft Advocacy Strategy for Effective Product Stewardship.		
	Timeframe		Status	Commenced – see item 4.1
D	Issue	June 2021 MWAC Item 5.8 FOGO in MUDS		
	Action	1. Executive Officer will follow up to determine if information on the <i>Waste Avoidance and Resource Recovery Act 2007</i> can be provided to DAPs so the members understand the regulatory requirements regarding Local Government waste collection. 2. The Chair requested that the Executive Officer provide information on how the amount/type of education a Local Government undertakes can impact on their contamination rate.		
	Timeframe		Status	1. Examples are requested from Members regarding this issue. 2. To be completed

### Discussion at the Municipal Waste Advisory Council

At the previous meeting, the issue was raised that Development Assessment Panels may not fully understand the regulatory requirements of Local Government in relation to waste management. WALGA would like to follow up with the Department of Planning and is seeking examples where specific decisions were made that impacted Local Government service provision. Please email any examples to the Executive Officer.

## 3 DECISION ITEMS

### 3.1 Draft Submission Right to Repair\*\*\*

#### MUNICIPAL WASTE ADVISORY COUNCIL MOTION (MAYOR HOWLETT/ MAYOR BUTTERFIELD)

**That the Municipal Waste Advisory Council endorse the Draft Submission on Right to Repair.**

#### In Brief

- In December 2020, WALGA undertook an online survey of Local Government seeking feedback on the potential for Right to Repair legislation that could extend the life of products and reduce waste going to landfill. The February Submission was informed by the survey and input from MWAC.
- In June 2021 the Productivity Commission released a Draft Report seeking additional input for the final report which will be submitted to the Australian Government by 29 October 2021.
- The Draft MWAC Submission builds on the February Submission and identifies the benefits that right to repair requirements could have for Local Government and the community.

#### Background

The Productivity Commission has issued a [Draft Report](#) on the Right to Repair. The Commission has been asked to assess the costs and benefits of a right to repair in Australia and the impact that regulatory or policy changes could have on market offerings for repair services and replacement products. In undertaking the inquiry, the Commission will examine:

- Whether there are regulatory or manufacturer-imposed barriers to accessing repair services, including the role of embedded software, intellectual property and commercially sensitive knowledge in limiting access to repairs, as well as trade-offs with more competitive markets and innovation
- The impacts of waste (especially e-waste generated from the disposal of consumer electronics and household goods) on the environment and community, and the current arrangements for the disposal and management of e-waste. This will include the examination of the effect of premature and planned product obsolescence on the growth of e-waste.

#### Comment

Some of the matters included in the Draft Report are outside the scope of Local Government expertise and experience, therefore not every section of the Draft Report has been commented on. In providing comment on the Draft Report, the Draft Submission focuses on ensuring that effective Right to Repair legislation has the potential to benefit Local Government and the community by:

- Ensuring the community has access to repairers and the parts needed for repairs
- Reducing the cost of repair – currently it is frequently cheaper to buy a new product than to have it repaired
- Reducing built in or planned obsolescence for electronic products and any associated accessories – one example given was games consoles, when a new console is released the games from the previous model do not fit into the new model
- Ensuring effective product stewardship is in place, so that that producers are taking financial or physical responsibility for their products at end of life
- Ensuring the warranty issues are well addressed in any changes.

Responses to the Draft Report were due 13 July 2021. The draft Submission was attached (p. 1).

### Discussion at the Municipal Waste Advisory Council

The E-waste Drop-off Events organised by WALGA have yielded useful data relating to the costs of collecting and recycling e-waste. This information has been included in the Submission as it highlights that there is a significant opportunity to improve how products are manufactured which would reduce costs at end of life. A member of the Group requested further insight as to how a lack of capacity to repair products currently impacts items such as agricultural machinery which are fairly common Local Government assets in regional areas. Manufacturers have stringent processes for the repair of their products so for example, the owner of a tractor of a particular brand could only seek repairs from the manufacturer of that brand. If the owner were to seek repairs from a third party, they could void their warranty and risk their product not getting repaired at all. Diagnostic tools are often required to access computerised components and determine problems. These tools are typically centralized in metropolitan areas which inhibits local options for repair.

## 3.2 Draft Submission Noise Guidelines\*\*\*

### MUNICIPAL WASTE ADVISORY COUNCIL MOTION (MAYORHOWLETT/MAYOR BUTTERFIELD)

**That the Municipal Waste Advisory Council endorse the Draft Submission on the Department of Water and Environmental Regulation Guideline Assessment of environmental noise emissions.**

#### In Brief

- In June 2016, WALGA made a Submission on the Department's *Draft Guideline on Environmental Noise for prescribed premises*. In that Submission issues identified included:
  - The use of separation distances as a trigger for a full-scale noise assessment
  - Noise from construction activities was not addressed
  - Existing and prospective facilities will be subject to significant and costly requirements to assess noise.
- On 16 June 2021, the Department released its *Draft Guideline: Assessment of environmental noise emissions* for public consultation for a 12-week period. The Draft Guideline is a more extensive version of the previously released Guideline.

#### Background

The [Draft Guideline](#) set out the Department's information requirements for the analysis of noise emission impact for prescribed premises, and will apply to all applications for a works approval or licence (including amendments) under Part V of the Environmental Protection Act (EP Act) with an identified noise emission component. The Draft Guideline also provides technical information for environmental impact assessment of proposals under Part IV of the EP Act and consideration of noise emissions from premises that are not prescribed premises. The Department held two public information sessions on 2 and 4 August 2021.

#### Comment

A short Draft Submission on the Draft Guideline has been developed. Some of the issues identified include:

- In the Draft Guideline it is unclear whether proponents will be required to apply this Guideline in circumstances where noise emissions have already been assessed and approved under Part IV of the EP Act.
- Vibrational impacts are also listed in the Draft Guideline as a factor influencing the impact of noise emissions. The Noise Regulations do not address vibration and therefore, it is difficult for applicants to determine how to assess, monitor and address vibrational impacts.
- The screening tool in the Draft Guideline (Appendix A) does not provide sufficient clarity to identify when low level noise emission/s do not require a detailed assessment because the Draft Guideline states that "where screening analysis indicates noise emissions are likely to be low level, the Department may still request additional information or a detailed analysis in the following cases:
  - Past experience of the department regulating similar premises;
  - Known changes of receptor proximity in future; or
  - Insufficient supporting information provided to the department."

- The Draft Guideline predominately relies on screening distances to determine if detailed noise analysis is required. It makes very little reference to other factors that influence the risk of noise emissions. This has the potential to significantly increase the regulatory burden on facilities where noise is only a minor (and managed) risk.

Further Clarification is required on several points in the Draft Guideline including the definition of a ‘competent person’ to undertake noise assessments and how the Guideline will be applied to existing premises. Submissions are due 10 September 2021. The draft Submission was attached (p. 7).

#### **Discussion at the Municipal Waste Advisory Council**

One of the main concerns is the high likelihood that these guidelines will be applied retrospectively and represent an increased level of rigour which could potentially result in significant costs for existing licensed premises. There is also a lack of clarity as to the circumstances under which a facility would be required to observe the proposed guidelines. A special requirement for a ‘competent person’ to undertake assessments has also been indicated, however the guidelines neglect to define the role and qualifications of a competent person.

### **3.3 Local Government Support for Plastics Bans\*\*\***

#### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION (MAYOR HOWLETT/ MAYOR BUTTERFIELD)**

**That the Municipal Waste Advisory Council:**

- 1. Write to the Environment Minister supporting the Single-use Plastics Ban**
- 2. Encourage Local Governments to write to the Environment Minister supporting the Ban.**
- 3. MWAC request State Council to place this item on the agenda for the next round of Zone Meetings.**

#### **In Brief**

- The State Government have committed to banning a number of single-use plastic items. Local Government has been consistently supportive of this approach as state-wide regulation is a more consistent and streamlined way to regulate these products.
- Consultation has occurred regarding the bans, with some concerns raised by the packaging industry about the timeline and approach.
- Local Government has an opportunity to support the implementation of the bans, which will assist in reducing the use of single-use plastic items, transitioning to reusable or compostable alternatives and reduce potential contamination issues for recycling and FOGO systems.

#### **Background**

At the June MWAC meeting strong support was indicated for the Plastics Bans and the scope of materials covered. Since that meeting the Department of Water and Environmental Regulation (DWER) have undertaken a series of consultation sessions across WA to gather feedback from Local Government and other impacted stakeholders. The presentation from these sessions is attached and shows the range of items to be banned and the proposed alternatives.

#### **Comment**

The approach that DWER has taken is to recommend that no single-use plastics are used (including compostable plastic), where there is a workable alternative. There are some instances where there is not currently an alternative product, so compostable plastic is allowed in some instances.

Currently compostable plastic packaging is not accepted through the FOGO collections provided by Local Governments because there is a large range of plastic packaging in the market and it is not possible to differentiate between compostable and non-compostable plastics in relation to contamination. When the bans are in place, the only options on the market will be compostable, which presents an opportunity to potentially allow these products through a FOGO system. Compostable plastic packaging is a contaminant in the recycling stream.



The packaging industry is very resistant to changes to packaging. There is an opportunity for Local Government to show support for the bans and outline the various benefits of the bans from the community and service provision perspective. The DWER presentation outlining the scope of the proposed ban and the alternative products was attached (p. 10).

#### **Discussion at the Municipal Waste Advisory Council**

Regulations have been scheduled to begin by the end of 2021 with a grace period of 6 months for retailers to use up existing stock and transition to alternatives. The Chair suggested that the Group add a third recommendation for 'MWAC to request State Council to place this item on the agenda for the next round of Zone Meetings'. MWAC can provide the option of presentations at the Zone Meetings, subject to the availability of DWER.

A member of the Group requested clarification on thick plastic bags in relation to the ban. There is an Australian Standard for compostable materials, however there is no universal definition for the following terms:

- **Degradable** – describes petroleum-based plastics that break down into smaller fragments of plastic.
- **Biodegradable** – frequently used to describe petroleum-based and petroleum/plant-based plastics which contain additives that enable the plastic to be broken down into smaller fragments by bacteria or other living organisms.
- **Compostable** – when used appropriately, describes plant-based plastics that can be readily broken down through home or industrial systems.

The Department have included all these plastics as they do not break down when they end up in the environment, behaving the same as a standard plastic bag. From a waste perspective, the main issue with biodegradable and compostable plastics is that plant-based products are difficult to distinguish from petroleum-based products, and both of these plastics are considered a contaminant in the recycling stream. The bans are targeted at retailers so Local Governments will still be able to provide products such as dog waste bags for their communities to use in public areas.

## **4 DISCUSSION ITEMS**

### **4.1 Product Stewardship – key considerations for success\*\*\***

#### **In Brief**

- WALGA, working with the other State and Territory Local Government Associations, and ALGA, are developing a nationally consistent position for Product Stewardship.
- There are a plethora of new Product Stewardship Schemes being developed, with Federal Government funding, and there is a risk that each Scheme will seek to engage with Local Government independently and how these Schemes are structured will not meet the outcome of producers taking responsibly (financial/physical) for their product at end of life.

#### **For Discussion**

- Key components of successful Product Stewardship Schemes.

#### **Background**

The Federal Government has [funded](#) the development/enhancement of 20 Product Stewardship Schemes covering (silage wrap, child car seats, mattresses and bedding, uniforms and workwear, non-packaging agricultural plastics, cosmetic packaging, plastic oil containers, plastic packaging, cups, absorbent hygiene products, coffee capsules, PVC polyester textiles, mobile phones, plant pots, compostable packaging, sports equipment, sports footwear, tyres, furniture and batteries). The Federal Government has also funded the [Product Stewardship Centre of Excellence](#). The Schemes being developed, and those already in existence, need to be consistent in how they approach Local

Government, cover the full costs associated with recycling products and make it easy and convenient for the community to use.

There are considerable learnings from the Schemes that have been developed and implemented, and this information can be synthesised to provide a template approach for new Schemes and to improve existing Schemes.

A draft outline of the key components for successful Product Stewardship Schemes has been developed.

#### **Comment**

Currently there is a proliferation of schemes that are at risk of undergoing the same development processes as existing schemes, and potentially resulting in their delivery of suboptimal outcomes. MWAC has Policy Statements on Extended Producer Responsibility and Container Deposit Systems, however there is now the opportunity to develop an overarching document that specifically addresses what is needed to establish, support and maintain successful Product Stewardship Schemes. Based on information collected about schemes over the last 15 years, a draft outline has been prepared taking into consideration what is needed for effective Product Stewardship. Once this document is developed and endorsed by MWAC, there is further opportunity to engage with other Local Government Associations and progress these key considerations at a national level. The draft outline was attached (p. 47).

#### **Discussion at the Municipal Waste Advisory Council**

As the aim is for a national approach, some of the considerations in the document are not Western Australian specific. This document will be updated with feedback provided by other Local Government Association stakeholders. The City of Geraldton is currently charged \$400.00 per tonne to dispose of e-waste through the NTCRS; this amount is slightly less in metropolitan areas. The original intent of the NTCRS was for no cost to be incurred by Local Government. The Executive Officer will circulate an updated version of the document for comment, then an out of session Flying Minute.

## **4.2 Infrastructure Western Australia**

#### **In Brief**

- Infrastructure WA has launched the [\*Draft State Infrastructure Strategy Foundations for a Stronger Tomorrow\*](#)
- WALGA is developing a Submission on the Strategy and MWAC has an opportunity to provide feedback into the Submission.

#### **For Discussion**

- Feedback on the Report

#### **Background**

WALGA is developing an overall response to the range of issues raised in the Draft Strategy and MWAC has the opportunity to feed into that Submission. The absence of infrastructure planning for waste management has been identified on a number of occasions as having a significant negative impact on the sector. The Draft Strategy includes a section on waste and identifies it as one of the key infrastructure sectors.

#### **Comment**

Some members of the Officers Advisory Group attended a recent Infrastructure WA event. It was noted that there was acknowledgement of the need for waste planning and support for the development of waste infrastructure as detailed in the *Waste Avoidance and Resource Recovery Strategy 2030*. An outline of the issues was attached (p. 50).

### Discussion at the Municipal Waste Advisory Council

There is an opportunity here to highlight the inequities between metropolitan and non-metropolitan areas in terms of infrastructure. Feedback from Local Government has indicated the need to consolidate a strategy for waste infrastructure so that there is a reasonable distribution of infrastructure and to prevent similar facilities from being established in the same area. Regional Council assets are strategically located and the opportunity to involve State Government in coordinating these assets was raised. Infrastructure WA will be holding a breakfast session on Thursday, 9 September. MWAC has received three invitations and will be represented by the Chair of MWAC, Chair of OAG and Executive Officer.

## 5 INFORMATION ITEMS

### 5.1 Total Fire Ban

- Information provided to EMRC by the DFES Regulation and Compliance Branch indicated:
  - Just to clarify, “rubbish collection or disposal services” has now been included within the essential service definition within the regulations. This change now allows for “rubbish collection or disposal services” to carry out off-road activity during a HVMB, provided these works are part of urgent works in relation to the provision or restoration of an essential service.*
  - Based on the above, an exemption issued under the Bush Fires Act will no longer be required to carry out off-road activity during a HVMB. Provided all conditions are complied with, notification is made, and the works are urgent works for the provision or restoration of the essential service the activity can continue when a HVMB is declared by the Local Government.*
  - Therefore we will no longer require an Exemption to operate during Total Fire Bans and Harvest and Movement Bans, however, we will still need to follow the notification process.*
- WALGA will request this information be provided by DFES to all Local Governments.

### 5.2 Solar Panel Recycling

- An MWAC Councillor has identified a news item by Mr Allan Jones in relation to Solar Panel Recycling. The item raises concerns about what recycling options are available for Solar Panels.
- Photovoltaic Cells are included in the Federal Environment Minister Priority list for the development of Product Stewardship, with a Scheme to be agreed by mid-2022 and implemented by 2023.
- This is one of many potential waste management issues which would benefit from an effective Product Stewardship Scheme.

### Discussion at the Municipal Waste Advisory Council

Currently there is no option to fully recycle solar panels in Western Australia. It was noted that Total Green Recycling are able to recycle only some solar panel components. As this is an increasing problem, the Federal Minister has prioritised the establishment of a product stewardship scheme by mid-2022. The Executive Officer will investigate what other forums would be suitable to raise this issue.

### 5.3 ERA Draft Report Effects of the container deposit scheme on beverages in WA

- The Economic Regulatory Authority (ERA) has released a [Draft Report](#) on the impacts of the CDS on the price of beverage containers, following the introduction of the Scheme. This work was anticipated and is similar to that undertaken in other States and Territories.
- The Draft Report highlights that based on the first 6 months of data, the average retail price increases due to the Scheme are:
  - For non-alcoholic beverages, 10.5 cents per container in metropolitan markets.
  - For alcoholic beverages, 7.6 cents per container in metropolitan markets.

- Overall, regional retail prices also increased by amounts similar to those in Perth, though due to the smaller data set the results were more variable.
- Overall the Draft Report identifies that the “average price increases are all below the cost of administering and operating the Scheme. Both the cost of running the scheme and the average price increases are very similar to those seen in other states with container deposit schemes”
- Submissions can be made on this Draft Report by 23 August 2021, however at this stage it is proposed that MWAC will not make a Submission.

#### Discussion at the Municipal Waste Advisory Council

The Executive Officer will provide an out of session update on the latest recovery rates from refund points and kerbside. The Scheme Coordinator WARRRL has released their new Containers for Change marketing campaign. The campaign can be viewed [here](#).

### 5.4 OAG and MWAC Meeting Dates 2022 and 2023

2022		2023	
OAG	MWAC	OAG	MWAC
7 February	23 February	6 February	22 February
11 April	27 April	3 April	19 April
13 June	29 June	12 June	28 June
8 August	24 August	14 August	30 August
10 October	26 October	9 October	18 October
28 November	7 December	27 November	6 December

### 5.5 Waste Local Law – Bin Lid Colours

- The City of Albany is pursuing a Determination under their Waste Local Law to clearly identify the bin lid colours which are required in the City. The Waste Local Law does not currently include this level of information.
- For Local Governments who do not own their kerbside bins, this could be a pathway to ensure that bin lids are changed.

### 5.6 WasteSorted Grants

- The Waste Authority has released the WasteSorted Grants, due 13 September.
- WALGA held a session for Local Governments on Tuesday, 3 August to identify potentially collaborative grant projects. The projects included:
  - Public place/event bins and bin toppers
  - FOGO contamination reduction and communication
  - Waste education materials – particularly for CALD communities (building on existing work)
  - Cloth nappy subsidies/libraries.
- WALGA will facilitate additional workshops for Local Governments interested in these projects to determine the levels of interest, lead organisations and process for submitting grants.
- WALGA will be seeking to put in a Submission on an update to the Waste Local Law Template.

## 5.7 Waste Fires – Survey

- A survey was distributed to all Local Governments and WALGA Preferred Suppliers seeking information on the frequency, source and costs associated with fires in kerbside, vergeside and drop-off services.
- There was 56 respondents, and all questions relate to the past 12 months (as some sites had more than one fire – some percentages add up to more than 100%).
  - 29% had fires in kerbside collection services (64% had fires in waste collection, 50% in recycling collections and 7% in GO collections)
  - 8% had fires at their verge collection services.
  - 39% had fires at drop off locations (transfer stations, landfills etc.)
  - The main source of fires, through all collection methods was:
    - 30% was caused by lithium batteries
    - 28% unknown sources
    - 20% other (mainly hot coals and other battery types)
    - 7% for each of the following materials: gas cylinders, aerosols & flammable liquids
  - Estimated cost of fires in waste for all respondents was ~\$300,000

## 5.8 Nangs

- A Metropolitan Local Government has raised the issue of inappropriate disposal of small nitrous oxide canisters (full and empty) commonly known as ‘nangs’. The legitimate use for these canisters is for catering purposes (generally used in whipped cream). The question was asked regarding what regulation the State Government was progressing to address this issue.
- The Mental Health Commission (MHC) is taking action in this area, following an increased level of hospital presentations of people seriously impacted from excessive nitrous oxide consumption. The MHC has a working group developing a suite of regulatory and education options which will be presented to the Minister (Minister Stephen Dawson) for consideration.
- The Therapeutic Goods Administration have also just issued a [Draft determination](#) regarding the labelling and sale of these items. It would put these canisters in the same regulatory category as spray paint.

## 5.9 Community Sharps Program

- WALGA received Expressions of Interest from 22 Local Governments for new, or upgrading existing, community sharps containers. This totalled 240 containers.

# 6 REPORTS

## 6.1 Working Groups/Committee Reports

*\*Please note this section has been updated as of August 2021 to reflect the complete list of working groups, both internal and external that MWAC participates in.*

### MWAC Groups

1. **Metropolitan Regional Council Working Group**  
Delegates/Nominees: Mr Tim Youé, Working Group Chair  
This Group has not met since the previous MWAC Meeting.
2. **Reducing Illegal Dumping Working Group**  
Delegates/Nominees: N/A

This Group has not met since the previous MWAC Meeting. However, was used to gather information about illegal dumping of mattresses.

**3. Vergeside Collection Working Group**

Delegates/Nominees: N/A

This Group has not met since the previous MWAC Meeting. However feedback provided by the Group has been incorporated into the DWER Better Practice Guideline for Verge Collection and Drop Off. It is anticipated that this group will cease once that guidance is published.

**4. Consistent Communications Collective**

Delegates/Nominees: N/A

This Group will meet on **Wednesday, 25 August**.

**5. Industry Training Reference Group**

Delegates/Nominees: N/A

This Group met on **Tuesday, 27 July** to provide feedback on the development of the Waste Management Certificate III. It is anticipated that this group will cease once the Certificate III is complete (November 2021).

**6. Household Hazardous Waste Advisory Group / Operators Meeting**

The HHW Advisory Group meets on an as needs basis. The HHW Operators Group meets twice a year. The last meeting was in **June 2021**.

**External Committees and Working Groups**

**7. DWER Waste Reform Advisory Group**

Representative: MWAC Chair, MWAC Executive Officer and CEO of SMRC

The Group met on **Wednesday, 11 August**. An update will be provided at the meeting on the key points of discussion.

**8. DWER FOGO Reference Group**

Representative: MWAC Executive Officer, SMRC, EMRC and WMRC.

This Group met on **Wednesday, 14 July**. Following this meeting MWAC staff are working on updating the *FOGO Step-by-Step Implementation Guideline*.

**9. DWER Single Use Plastic Working Group**

Representative: MWAC Executive Officer

This Group met on **Tuesday, 13 July** to discuss the work of the Plastic Straw Working Group and the transition to the Single-use Plastic Working Group.

**10. WARRRL Local Government Reference Group**

Representative: MWAC Executive Officer

This Group met for the first time on **Wednesday, 11 August** to discuss ways to increase container recovery from Local Government related activities – e.g. at events.

**11. Australasian Packaging Label Marketing and Communications Working Group**

Representative: MWAC Executive Officer

This Group meets on a quarterly basis to provide input into the marketing consideration regarding the Packaging Label.

**12. Hazard Coordinating Committee**

Representative: MWAC Executive Officer

This Group meet on **Wednesday, 21 July** and discussed a range of waste management related hazards, including lithium batteries.

**13. Across Agency Asbestos Group**

Representative: MWAC Executive Officer

This Group has not met recently.

**14. Main Roads Waste Forum**

Representative: MWAC Executive Officer

This Group met on **Wednesday, 4 August**. The discussion at the Group highlighted the ongoing use of the recycled C&D material by MainRoads and opportunities for Local Government to use the material.

**15. Waste Management and Resource Recovery Association**

Representative: MWAC Executive Officer, CEO of SMRC

This Group meets monthly.

**16. Charitable Recyclers Australia**

Representative: MWAC Executive Officer

This Group met on every quarter.

## **7 OTHER GENERAL BUSINESS**

**MUNICIPAL WASTE ADVISORY COUNCIL MOTION (MAYOR HOWLETT/MAYOR BUTTERFIELD)**

**That the Municipal Waste Advisory Council undertake a workshop with the Goldfields Esperance Country Zone at their earliest convenience to identify ways that MWAC can further represent and assist the Zone.**

**Discussion at the Municipal Waste Advisory Council**

The Goldfields Esperance Country Zone have raised that they consider MWAC is not actively supporting non-metropolitan Local Governments. MWAC proposes to undertake a workshop with these Local Governments at their earliest convenience to identify ways to further assist the Zone. The Chair and Executive Officer will represent the Group. The invitation to attend will be extended to other members of MWAC.

The meeting **closed 4:39pm**.

## **8 NEXT MEETING**

The next meeting of the Municipal Waste Advisory Council will be held online at **4:00pm on Wednesday, 13 October 2021**.



## Submission to the Productivity Commission Draft Report Right to Repair

July 2021



### Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

*Due to the timeframe for Submissions, this Submission has not yet been considered by MWAC. It will be put before the Council at the upcoming meeting on Wednesday, 25 August. The Productivity Commission will be informed of any changes to this Submission following consideration by MWAC.*

### Introduction

The Western Australian Local Government Association (Association) welcomes the opportunity to comment on the *Productivity Commission Draft Report: Right to Repair* which seeks to improve the consumer's ability to repair faulty goods, or access repair services, at a fair price. By examining the range of issues including the barriers and enablers impacting the Australian repair market the outcomes of the Inquiry will be an important step in accelerating a nationwide shift towards a sustainable circular economy.

Manufactures of any physical product should allow for the 'right to repair' as a priority and in doing so original equipment manufacturers (OEMs) should provide clear information on repair options when products are purchased. The benefits of repairing include decreasing the amount of waste sent for disposal to landfill, reducing collection and processing costs associated with products, supports a circular economy model where items or parts of a product are reused and recirculated thus conserving natural resources, maintains the resale value of a product.

This Submission comments on some of the Information Requests included in the Draft Report. Some of the matters included in the Draft Report are outside the scope of Local Government expertise and experience.

### Information Request 3.1 Repair facilities, spare parts and software parts

To better understand whether consumers have reasonable access to repair facilities, spare parts and software updates, the Commission is seeking further information on:

- whether consumers have faced difficulties accessing spare parts or repair facilities under guarantees when their product breaks or develops a fault, including specific examples of the type and age of the product, and the costs incurred by the consumer
- costs and benefits of businesses being required to hold physical spare parts or operate repair facilities for fixed periods of time
- whether consumers are experiencing problems using their products due to a software fault or lack of software updates, including specific examples where manufacturers have not addressed the problem because of claims that it is not covered by consumer guarantees
- the costs and benefits of requiring that software updates be provided by manufacturers for a reasonable period of time after the product has been purchased.

WALGA does not have access to specific details on the costs and benefits associated with requiring businesses to hold physical spare parts or operate repair facilities for fixed periods of time or requiring software updates to be provided by manufacturers. However WALGA has knowledge of the costs incurred



by local governments in relation to the National TV and Computer Recycling Scheme (NTCRS). The NTCRS was designed with a requirement that collection sites accept TVs and Computers free of charge. This has proved to be a significant impost on Local Government, with some funding the operation of collection points, in addition to contributing to the cost of recycling material collected under the NTCRS. Others are funding the management of material collected outside of the NTCRS, as a result of the limited scope of the Scheme and challenges negotiating equitable agreements with Arrangements. This includes material that is in scope – such as TV and computers, as well as material that is out of scope – such as TV peripherals. Local Governments should be able to recover the costs of providing/operating collection sites, and providing/facilitating the transport of materials to market - from manufacturers, importers, distributors and Arrangements.

WALGA, with funding from the State Government through the New Industries Fund that is managed by the Department of Jobs, Tourism, Science and Innovation, has been working with Local Governments to collect electronic waste outside the metropolitan area. At a recent event, the community dropped off approximately 1.5 tonne of electronic waste, of this material approximately 500kg was described by the community as 'still working'. WorkPower the Social Enterprise delivering the collection event took this material for 'testing and tagging' and approximately 250kg was assessed as working and suitable for resale. A number of residents indicated when dropping off their e-waste that the product was still working, but just needed a minor repair that they were unable to do.

Subsequently the State and Territory Local Government Associations in conjunction with the Australian Local Government Association sought Local Government feedback on the Scheme to determine the current costs to Local Government and the community to inform the sectors input into the review of the NTCRS and this Submission.

Thirty three Local Governments responded with twenty nine Local Governments (88%) offering e-waste drop-off/collection to their residents and four Local Governments not offering e-waste collection services. The four Local Governments not offering an e-waste service stated that they were too expensive, Local Government could not afford it, no suitable location was available for drop off and their Department of Water and Environmental Regulation licence needed amendment before they could collect e-waste.

Of the twenty nine Local Governments which offer e-waste collection services to the community. Each Local Government provides staffing, infrastructure and sites which contribute to the in kind costs of recycling e-waste. The amount of financial in kind costs varies from \$1,000 - \$150,000 per year per Local Government.

For 2021/22 many Local Governments are now faced with additional financial burden due to the provider charging a rate per tonne for a service that was previously free. The anticipated costs per tonne for NTCRS and non-NTCRS e-waste are varied. For NTCRS e-waste the cost varies from \$200 to \$1,000 per tonne and for non-NTCRS e-waste the cost varies from \$500 to \$1,000 per tonne. This is a significant financial impost on the community which makes it difficult for Local Governments to accurately budget, as the amount and type of e-waste that may be collected is demand driven and changes year to year.

#### **Information Request 4.1 Consumer harm from limits on access to repair supplies**

The Commission is seeking feedback and evidence on its preliminary assessment of consumer harm (chapter 4) in repair markets for agricultural machinery, mobile phones and tablets. In particular:

- is there any evidence of systematic differences in quality, safety or security between authorised and third-party repairers? If so, what is the cost to manufacturers (for example, damaged brand reputation, determining the cause of a fault, or other liability issues)?
- what is the size of the repair market compared to the primary market? What proportion of repairs are conducted by authorised repairers?
- how difficult is it for consumers to estimate the lifecycle costs of these products at the time of purchase?
- to what extent are consumers locked in to using authorised repairers (for example, can consumers easily switch to other products or non-manufacturer repair supplies)?
- is competition in the primary market sufficient to compensate consumers for any harm in the repair market (as indicated by low concentration and/or barriers to entry)?
- to what extent are consumers harmed by less choice, high transportation or travel costs, delays, and inconvenience, particularly in regional and remote locations?

The Commission is also interested in evidence of where there is substantial consumer harm in other repair markets, including but not limited to medical equipment and high-end watches (which were raised as areas of concern by participants to this inquiry) as well as construction machinery.

WALGA does not have any evidence that consumers are being harmed by limits on access to repair supplies. However, the ACCC in its recent market study found that weak competition in agricultural machinery repairs reduced purchaser access to genuine choice and may result in higher prices charged by authorised repairers, lower levels of consumer service and unnecessary delays in accessing repairs and servicing. Consumers can potentially become locked in to a certain product because other products are often not easily compatible with brand specific (i.e. Apple products). Consumers are faced by less choice particularly in regional areas as service providers are lacking in regional/remote areas and in most circumstances the cost of sending goods away to be repaired far outweighs the cost to repair products.

#### **Information Request 4.2 Positive obligation to provide access to repair supplies**

The Commission is seeking feedback and evidence on the costs and benefits of different approaches to designing and implementing a positive obligation on original equipment manufacturers to provide access to repair supplies to third-party repairers. In particular:

- evidence on the effectiveness of positive obligation schemes overseas (such as motor vehicle repair information schemes in the United States and Europe, and spare parts requirements in Europe)
- should a positive obligation be applied across all product markets or targeted towards particular product markets? If so, which product markets, and why?
- should a positive obligation mandate access to all repair supplies or a subset of repair supplies such as repair information, spare parts, or diagnostic tools)?
- how should a positive obligation be implemented and enforced in practice?

A positive obligation on manufactures to provide greater access to repair supplies similar to that in existence in Europe would be beneficial to Australian consumers. In Europe household appliances are required to have spare parts available to professional repairers for up to ten years as well as repair and maintenance information. This could potentially influence a consumer's decision when purchasing a particular product.

#### **Information Request 4.3 Prohibition on warranty void terms**

The Commission is considering recommending provisions similar to the Magnuson-Moss Warranty Act in the United States, which prohibit manufacturer warranties from containing terms that require consumers to use authorised repair services or parts to keep their warranty coverage. We are seeking feedback and evidence on the costs and benefits of this approach. In particular:

- would manufacturers respond by increasing product prices or making their warranties less generous? Would this latter change have any practical impact on consumers given they are also covered for defects under consumer guarantees?

Manufactures could potentially increase their costs as they would now be required to determine the underlying cause of product defects and failures. For example, this is currently the case with Sony Playstations (PS). The trophies on PS4 require an internal clock system (which cannot be seen and changed) in order to function. The internal clock runs on a battery and all batteries have a finite lifespan. Inevitably the battery will cease to function, the clock will stop working and the PS will become unusable. This is simply known as planned obsolescence. To avoid this issue Sony would have to do a major update to reprogram the trophy system. This is highly unlikely as Sony will focus their efforts on a newer model PS.

Costs may also increase as manufactures would now be required to provide independent repairers access to physical tools and equipment which would likely generate ongoing production, storage and distribution costs. Even if the manufactures made their warranty less generous the consumer is still covered for defects under the Australian Consumer Law customer guarantee and as such would not have a major impact on the consumer.

- how could such a prohibition be designed and communicated to ensure that consumers are aware that voiding terms are now prohibited?

Currently many warranties use language that is difficult to understand and can lead consumers to incorrectly interpret that the warranty would be void if they sought independent or self-repair services. If manufacturer

warranties were prohibited from containing warranty void terms and the language simplified this could potentially facilitate consumer's access to independent repairs. Consumers should also be made aware that voiding warranty terms and 'warranty void if removed' stickers does not prevent them from obtaining a remedy for a fault under the consumer guarantee which they are entitled to under the Australian Consumer Law. WALGA agrees with the draft recommendation that the Australian Government should amend r.90 of the Competition and Consumer Regulations 2010, to require all manufacture warranties to contain information about consumer guarantees under the Australian Consumer Law. The information should be placed in a prominent place on the warranty. Public communication from the ACCC could also help to ensure that consumers are aware of and understand the changes.

- how could the prohibition be designed to limit manufacturer liability for damage beyond their control? For example, the Magnuson-Moss Warranty Act permits warranty terms that limit manufacturer liability for damage caused by unauthorised repairs or parts, if they can demonstrate third-party fault.

Many manufactures have legitimate concerns about being held liable for poor quality repair work by unauthorised repairers or of safety issues for authorised staff conducting subsequent repairs. However repairs of some high risk goods are already governed by mandatory occupational licencing requirements (electrical licence, gas fitting/plumbing licence) but this is dependent on the skills and knowledge of the person carrying out the repair. Manufactures could potentially reduce their liability by providing independent repairer's access to specialised tools, repair manuals, spare parts and training to carry out repairs correctly. This in turn would lead to upskilling of unauthorised repairers.

- In a similar vein, should terms within end-user license agreements that purport to restrict repair related activities (discouraging third-party repair) also be prohibited? Is a disclosure as proposed under draft recommendation 4.2 sufficient or is a legislative prohibition required?

Draft Recommendation 4.2 states that "The Australian Government should amend r.90 of the Competition and Consumer Regulations 2010, to require manufacturer warranties ('warranties against defect') on goods to include text (located in a prominent position in the warranty) stating that entitlements to consumer guarantees under the Australian Consumer Law do not require consumers to use authorised repair services or spare parts. A legislative prohibition is required as such restrictions can adversely affect the cost and availability of repair services by reducing the ability of independent repairers to compete with authorised repairers.

### Information Request 5.1 Improving access to repair information

The Commission is considering recommending amendments to intellectual property laws to improve access to repair information through the options outlined in draft finding 5.2. It is seeking views on each option, in particular:

- whether the proposed reform options will assist repairers in accessing repair information, and therefore facilitate third-party repair
- what types of contractual arrangements that could override such reforms are most likely to be of concern
- the costs, benefits and risks of pursuing each option.

The options outlined in the draft finding are:

- a) Amend the *Copyright Act 1968* to allow for the reproduction and sharing of repair information, through the introduction of a *fair use* exception or a repair-specific *fair dealing* exception

Amending the Copyright Act 1968 would improve access to allow repairers to share copyrighted information with other repairers, however manufactures would need to be willing to share the information in the first place. If the manufacturer does not share or refuses to share the information this reform will have limited effect. The government could potentially amend the copyright laws through the introduction of an 'exception' which is a non-infringing breach of the copyright holders' exclusive rights. Presently in Australia the Australian copyright regime provides for a range of 'fair dealing exceptions' which allow for the use of copyright material without permission from the copyright owner so long as it falls within one of the following defined categories:

- Research or study
- Criticism or review
- Parody or satire
- Reporting news.

However, none of these categories cover repair related issues and the addition and application of a fair use repair category means that there would be a high degree of discretion in how Australian courts interpreted whether repair related uses of copyright material are considered 'fair', which may result in repairers avoiding undertaking repair activities that risk infringing manufacturer's copyrights.

The introduction of a 'fair dealing exception' category specifically for repair would provide greater scope for government to clarify the particular circumstances under which third parties may/may not use and share copyright information. However one drawback is that the law's ability to adapt and evolve over time is restricted particularly in relation to the speed of technological advancement.

The most advantageous option for the consumer would be to include a prohibition exception in the Copyright Act on the use of contractual agreements. Manufacturers can potentially use other means such as contractual agreements including confidentiality agreements or EULAs (End User Licence Agreements) to prevent access to repair information in the first place. A prohibition with respect to certain computer programs already exists in the Copyright Act so this could potentially be expanded to incorporate exceptions relating to the right to repair.

b) Amend the *Copyright Act 1968* to allow repairers to legally procure tools required to access repair information protected by technological protection measures (TPMs) such as digital locks. This may also require the Australian Government to clarify the scope and intent of the existing (related) exception for circumventing TPMs for the purpose of repair.

Manufacturers may use TPMs (password protection, file permissions, encryption, copy controls) and contractual arrangements to protect their creations. This makes it very difficult for third parties to carry out repairs to products and can adversely affect the cost and availability of repairs. Under Australian copyright law it is lawful for a manufacturer to use TPMs to protect copyright from unauthorised access such as software and computer code. Copyright law generally prohibits the circumvention (or bypassing) of TPMs unless there is an explicit exception. Regulation 40 (2)(d)(ii) of the 2017 Copyright Regulations permits the circumvention of TPMs to access protected copyright information for the purposes of repair in limited circumstances. However the intent and scope of this exception is ambiguous and greater clarity is required. WALGA supports amended the Copyright Act.

### Information Request 6.1 Product labelling scheme

The Commission is seeking further evidence on the significance of information gaps that might contribute to premature obsolescence, including:

- the specific type of information gaps (such as on product repairability, durability, or the environmental impacts of products) that prevent consumers from making informed purchase decisions
- the significance of these information gaps (for example, the cost to consumers from obtaining information independently)
- evidence that these gaps are undermining the efficient operation of the market (for example, evidence that consumers are systematically overestimating product durability and repairability when making purchase decisions)
- whether these information gaps affect specific types of products more than others.

The Commission is also seeking input on how government and industry might work together to design a product labelling scheme to maximise the net benefits to consumers and the community.

Providing information to consumers on product repairability through labelling is an important step in allowing consumers make informed decisions on the products they purchase. Currently in Australia there are no laws mandating information on product repairability but there are a range of regulations and government funded programs relating to other products qualities such as product safety, energy and water efficiency labelling. However, a product labelling scheme on product repairability may not necessarily influence a consumers purchasing habits as many consumers may choose to replace their products with newer ones rather than the product actually breaking or replacing a product with a product that better meets their needs. Also product labelling may increase the cost of the product which in turn may inhibit a consumer on the lower socio economic scale from purchasing the product.

To date, product stewardship schemes have tried to effect change using loosely defined market development activities, community/industry engagement, voluntary commitments to dispose of materials in an environmentally sound manner, or change which party contributes financially to collection, processing, recycling or disposal costs at end-of-life. These activities have been viewed by industry and regulators as a way to begin addressing the lifecycle impacts of various products, as these approaches do not require a fundamental rethink to manufacturing and consumption. Unfortunately, the current approach has not addressed, or resolved, the complexities of the market forces and costs experienced by the waste management industry. Future Schemes must be designed in such a way that manufacturers, importers and distributors, and organisations tasked with delivering schemes, such as Arrangements, are financially or physically responsible for providing repair options and managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

Alternatively, an approach could be taken where manufacturers, importers and distributors are prohibited from selling or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner. Reframing Product Stewardship in such a light, would encourage those producing or selling products to consider the lifecycle impacts of their products, and assist with a transition to a circular economy.

## Conclusions

Effective Right to Repair legislation has the potential to benefit Local Government and the community by:

- Ensuring the community has access to repairers and the parts needed for repairs
- Reducing the cost of repair – currently it is frequently cheaper to buy a new product than to have it repaired
- Reduce built in or planned obsolescence for electronic products and any associated accessories – one example given was games consoles, when a new console is released the games from the previous model do not fit into the new model
- Ensure effective product stewardship is in place, so that that producers are taking financial or physical responsibility for their products at end of life
- Ensuring the warranty issues are well addressed in any changes.



## Submission on Guideline: Assessment of Environmental Noise Emissions

August 2021



### Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

*This Submission will be considered by MWAC on Wednesday, 25 August.*

### Introduction

The Western Australian Local Government Association (Association) welcomes the opportunity to comment on the *Guideline: Assessment of Environmental Noise Emissions* on how the Department interprets and applies the legislation it administers.

In 2016, the Department released a Draft *Guideline on Environmental Noise for Prescribed Premises*, this document was not finalised. In the Submission on the 2016 Draft Guideline, WALGA identified that:

- *Clarification is required as to why noise from construction activities is addressed in the EPA Guideline, but not the draft DER Guideline.* This issue has been addressed in the 2021 Draft Guideline.
- *The draft DER Guidance Statement: Separation Distances is used as the main threshold to determine whether a full scale noise assessment will be required. The draft distances that have been proposed by DER are much greater than those used previously for land use planning purposes. The majority of existing facilities will fail to meet these distances and will require a higher level of assessment. Those facilities with a noise receptor within their specified separation distance, will need to complete more detailed screening and potentially need assistance from an acoustic consultant.* This issue has not been addressed and the Separation Distances are still used to determine if an assessment is required.
- *The draft Guideline identified noise is affected by a complex range of factors and does not necessarily progress in a linear fashion. Given this, it is difficult for Local Government to understand why a separation distance, that has a limited scientific or evidence base, is a pass/fail consideration on whether detailed screening is required.* This issue has not been addressed in the new Draft Guidelines.

The 2016 Guideline was 27 pages long, the new Draft Guideline is 61 pages in length.

This Submission comments on the application of the Guideline and where further clarification is required.

### Application of the Guideline

The Guideline will inform the works approval or licence risk assessment conducted by DWER in accordance with its regulatory risk assessment framework. However, it is unclear whether proponents will be required to apply this Guideline in circumstances where noise emissions have already been assessed and approved under Part IV of the Environmental Protection Act 1986 (EP Act). Where noise emissions have been assessed and approved under Part IV of the EP Act, the re-assessment of noise emissions should not be required for a works approval or licence.

The Guideline also states noise “is commonly recognised as an emission of sound but may also include ground or structure-borne vibration”. Vibrational impacts are also listed in the Guideline as a factor

influencing the impact of noise emissions. The Noise Regulations do not address vibration and therefore, it is difficult for applicants to determine how to assess, monitor and address vibrational impacts. Further, the Guideline does not include any detail on how to assess vibrational impacts within Section 10: Detailed Noise Emission Assessments. Given vibration is not currently addressed by the Noise Regulations, the Guidelines would create a new requirement.

The Guideline asks if “the screening tool in Appendix A is effective in identifying when low level noise emissions do not require detailed assessment”. WALGA considers the screening tool does not provide sufficient clarity to identify when low level noise emission/s do not require a detailed assessment because the guideline states that “where screening analysis indicates noise emissions are likely to be low level, the department may still request additional information or a detailed analysis in the following cases:

- Past experience of the department regulating similar premises;
- Known changes of receptor proximity in future; or
- Insufficient supporting information provided to the department.”

So even if a proponent determines that their facility produces low level noise emissions the Department may still request additional information or detailed analysis and the basis of this determination may not be available to the proponent as they would not know, for example, past experiences of the Department regulating similar premises. The Departments 2015 Guidance Statement: Regulatory Principles states that “The department will use the information we already have, and ask applicants to provide any technical and general information we need, to support our assessment of the risks of the proposed activity and to conduct our regulatory functions. We make informed decisions and judgments based on the best-available information, noting that the available evidence can often have limitations.”

In relation to screening noise emissions – the guideline states that “separation distances are used as a trigger for detailed analysis and are not interpreted by the department to indicate a buffer distance that must be met in all cases. If the distance between the prescribed premises and the nearest noise sensitive area is within the relevant distance, a detailed noise emission report is required. If the site lies beyond the separation distance, the applicant needs to complete the remainder of the screening form, to identify if there are other noise emissions that trigger the need for a detailed noise emission report.” The Guideline predominately relies on screening distances to determine if detailed noise analysis is required. It makes very little reference to other factors that influence the risk of noise emissions. This has the potential to significantly increase the regulatory burden on facilities where noise is only a minor (and managed) risk.

The Guideline further states that “An exemption may also be provided by the department for a detailed analysis if the applicant considers the risk from emissions to be low even though the separation distance is not met.” However, the guideline does not discuss how the department assesses the risk of noise emission impacts for the proposed activity using the applicant’s information instead it states “The department will follow its regulatory risk assessment framework to assess the proposal and provide a decision report.”

### **Further Clarification Required**

The Draft Guideline states that noise modelling must be done by a ‘competent person’ but does not identify what defines a competent person. During the online question and answer session on 2 August 2021 this was queried and the response from DWER was that ‘the Acoustic Society would need to define the criteria as to what a competent person is, the department wouldn’t be in a position to do that’. On this basis DWER needs to liaise with the Acoustic Society to incorporate a definition in to the Guidelines so that all parties involved in modelling and assessment are clear on their roles and responsibilities. Also to ensure that there are people with the relevant qualifications available to undertake these assessment.

Further clarification is needed regarding what is referred to in Section 5: Environmental objectives “other standards or noise levels set out in this guideline for noise emissions not set out in the Noise Regulations”.

The Guideline specifies the EP Act defines noise to include “vibration of any frequency, whether transmitted through air or any other physical medium”. However, the Environmental Protection (Noise) Regulations 1997 (Noise Regulations) specifies it does not apply to certain noise emissions (Part 1, r.3), including noise emissions from trains. It is unclear whether the exemptions outlined in the Noise Regulations are also included in the definition of noise in the Guideline.

The Guideline states that “department guidelines are not mandatory considerations, rather their purpose is to assist applicants to provide information in a manner that ensures efficient and effective assessment of

their application.” However, the Guideline further states that “the guideline will not generally be used retrospectively, outside the department’s normal licensing processes, to reassess existing facilities. However, in situations where there is evidence of unacceptable noise impacts from existing premises, the department may initiate a review of the licence, informed by this guideline, and new controls may be applied through licence conditions.”

There may be instances where application of this Guideline for all renewals involving noise emissions may not be practicable. For example, an application for a renewal with no changes to the facility/activities and therefore, no change to noise emissions. The requirement to re-assess noise emissions would be excessive, especially in circumstances where a licence is renewed on an annual basis. During the online Q&A session on 2 August 2021 WALGA queried if the Guideline will be used retrospectively to re-assess existing facilities. The response from DWER representative was that ‘where a prescribed premises has noise conditions in their licence and they are having noise related issues the principles of the guidelines will apply but would be assessed on a case by case basis’. This has the potential to put very costly and onerous conditions on existing facilities.





# Western Australia's Plan for Plastics

Overview of proposed  
changes



# Impacts of single-use and disposable plastics

They are inexpensive, convenient and used in many applications.

## Environmental

- Often littered (75% of rubbish collected on WA's beaches is plastic)
- Ingestion and entanglement of marine, aquatic and terrestrial fauna

## Waste stream impacts

- Contaminate recycling and composting streams and wastewater treatment systems
- Most end up in landfill (89% in 2018/19)

## Human health

- Emerging research is linking plastics to detrimental human health outcomes

Minderoo Foundation found that of all nation's Australia consumes the most single-use plastic per capita (50 kg) per year.

# Support for action

- Governments are taking actions at all levels including locally, state, nationally and internationally
- 98% of respondents to WA's consultation in 2019, support action to reduce the impacts of disposable and single-use plastics

WA has already taken actions including:

- Waste Avoidance & Resource Recovery Strategy 2030
- Lightweight plastic bag ban (2018)
- Containers for Change (2020)

# Western Australia's Plan for Plastics

- Announced by the Minister for Environment in November 2020
- Accelerated Plan introduced by the Minister for Environment in June 2021
- Two stages:
  - Stage 1 – by end of 2021
  - Stage 2 – by end of 2022
- Focus of this session is stage 1 items and implementation approaches.
- Regulations to come into effect December 2021 and enforcement provisions commence on 1 July 2022.





## Stage 1 items:

### Plastic:

- Straws
- Stirrers
- Cutlery
- Plates
- Bowls and lids
- Cups and lids (cold beverages)
- Expanded polystyrene food containers
- Thick plastic bags
- Helium balloon releases

# Definition of plastic

For the purposes of the WA single-use plastic ban, **plastic** is defined as:

a material made from, or comprising, organic polymers, whether plant extracts or of fossil fuel origin, and includes expanded polystyrene.

This definition applies to all Stage 1 items whether made in part or in whole of plastic, unless stated otherwise.



# Degradable, biodegradable, oxo-degradable and compostable plastics

- No Australian Standards for degradable, biodegradable and oxo-degradable plastics.
- Two Australian Standards (AS) for compostable plastics, 4736: 2006 (industrial) and AS 5810: 2010 (home)
- When littered all of these plastic types pose the same threat to wildlife and they contaminate waste streams.
- AS compostable plastics can be suitable if they are fit-for-purpose, eg bin liner for Food Organics Garden Organics waste collection



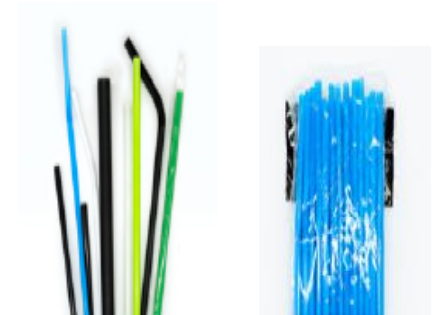
# Description of items proposed for banning in WA





## Plastic straws

- Proposed exemption approach for businesses to provide *individual* or *packs* of straws to an individual who requires a plastic straw to meet their life needs due to disability, health or other life needs, or to a person who is caring for them.
- Developed with Plastic straws working group (members from the disability, aged care, health, pharmacy, retail and environment sectors).
- Exemptions already in place in South Australia and Queensland were considered when developing WA's proposed approach.
- Proposed exemption for straws attached to packaging.





# Reusable and single-use straw alternatives

## Reusable

- Silicone



- Bamboo



- Stainless steel

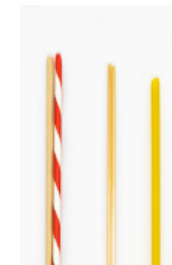


- Glass



## Single-use

- Paper, wheat, pasta





# Plastic drink stirrers



- Disposable plastic drink stirrers for hot and cold drinks
- Includes packs of stirrers sold by retailers and individual drink stirrers provided by hospitality businesses and other organisations.



## Reusable and single-use alternatives:

- Metal



- Glass



- Wood



# Plastic cutlery

Disposable plastic implements for consuming food (e.g. knives, forks, spoons, sporks, laksa spoons and chopsticks).

- Includes packs of disposable cutlery sold by retailers and cutlery provided by hospitality businesses and other organisations.



## Proposed exceptions include:

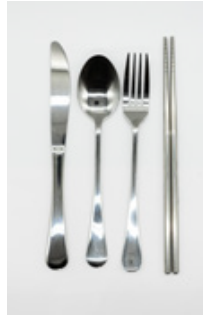
- Cutlery that forms part of the packaging of another product (e.g. a spoon included inside the packaging of instant noodles).
- Heavier weight plastic cutlery that is designed for multiple use and sold as individual items or in sets by retailers (e.g. outdoor dinner sets, camping equipment or cutlery designed for use by children).



# Alternatives to plastic cutlery

## Reusable

- Stainless steel, aluminium
- Thick reusable plastic



## Single-use

- Non-plastic disposable cutlery



(wooden, bagasse)

# Plastic plates

Disposable plastic plates made from plastic designed for consuming food.



Plastic, PLA or PLA/CPLA lined paperboard plates are proposed to be included in the ban, as there are non-plastic alternatives available.

Includes packs of disposable plates sold by retailers and individual plates provided with food by hospitality businesses and other organisations.



## Proposed exceptions include:

- Plates that form part of the packaging of another product (e.g. a plastic plate containing a frozen ready meal).
- Heavier weight plastic plates that are designed for multiple use and sold as individual items or in sets by retailers (e.g. outdoor dinner sets, camping equipment or plates designed for use by children).



## Reusable and single-use plate alternatives

### Reusable:



Ceramic, enamel



Thick reusable plastic

### Single-use:



Non-plastic lined  
paperboard, bagasse

# Plastic bowls and bowl lids

Disposable plastic bowls and bowl lids made out of plastic (whether wholly, partly, or lined by plastic) designed for consuming food.

- Includes packs of disposable bowls and lids sold by retailers and individual bowls and lids provided with food by hospitality businesses and other organisations.



## Proposed exceptions include:

- Bowls and lids that form part of the packaging of another product (e.g. a plastic bowl containing a frozen ready meal or pre-packaged noodle bowls).
- Heavier weight plastic bowls and lids that are designed for multiple use and sold as individual items or in sets by retailers (e.g. outdoor dinner sets, storage containers, camping equipment or bowls designed for use by children).





# Proposed exceptions for single-use plastic bowls & lids

- **Bowls**
- Paperboard bowls lined with polylactic acid (PLA) certified to the Australian Standard (AS) 4736:2006



## Bowl lids

- Made from PLA-lined paperboard certified to AS 4736:2006.
- Made from crystallised PLA (CPLA) certified to AS 4736:2006.





# Alternatives to plastic bowls & lids

## Reusable:



Glass, stainless steel



Ceramic

## Single-use:

### Bowls

- Non-plastic lined bagasse bowls and lids
- Paperboard bowls lined with polylactic acid (PLA) certified to the Australian Standard (AS) 4736:2006



### Bowl lids

- Made from PLA-lined paperboard certified to AS 4736:2006.
- Made from crystallised PLA (CPLA) certified to AS 4736:2006.





# Plastic cups & lids

Disposable plastic cups and lids for cold drinks.



Includes all cups and lids made of plastic.

Disposable cups sold by retailers or provided individually by hospitality business and other organisations are included in the ban.

## **Proposed exceptions include:**

Heavier weight plastic cups designed for multiple use and sold as individual items or in sets by retailers (e.g. reusable cups such as keep cups, outdoor dinner cups and mugs, and cups designed for use by children).

**Expanded polystyrene cups** proposed to be banned in Stage 2, at the end of 2022.



# Proposed exceptions for single-use plastic cups & lids

## Single-use:

### Cups

- Paperboard lined with PLA and certified to AS 4736:2006.



### Lids

- Plastic made from PLA and certified to AS 4736:2006





# Reusable and single-use cup alternatives

## Reusable:



Glass, aluminium



Thick reusable plastic, stainless steel, ceramic

## Single-use:

### Cups



- Paperboard lined with PLA and certified to AS 4736:2006.

### Lids

- Bagasse
- Plastic made from PLA and certified to AS 4736:2006





# Expanded polystyrene takeaway food packaging

To include all expanded polystyrene takeaway food containers including trays, bowls and clam-shell containers.



Expanded polystyrene takeaway food containers sold by retailers in packs or provided individually by hospitality business and other organisations are included in the ban.



## Reusable and single-use takeaway food packaging alternatives

### Reusable:



Stainless steel, glass

### Single-use:



Aluminium, foil



Bagasse or non-plastic lined  
paperboard

# Thick plastic bags

It is proposed for the ban on the supply of lightweight plastic bags to include thicker plastic bags.

This includes plastic bags:

- with handles provided by retailers to carry purchases.
- that are classified as degradable, biodegradable and compostable.



Bags made from plastic-laminated paper or plastic-laminated cardboard will also be included.



# Proposed plastic bag exceptions

The following exceptions are proposed:

- Bags that are an integral part of the packaging in which goods are sealed for sale.
- Plastic bags provided by a medical provider to a person receiving medical services.





# Proposed exceptions for plastic bags

- Nylon



- Recycled PET



- Non-woven polypropylene  
(thickness of 100 gsm or greater)



- Woven polypropylene



- Cooler bags





## Reusable and single-use bag alternatives



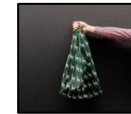
Cotton



Jute, hessian



String



Nylon



Recycled PET



Non-woven polypropylene  
(thickness of 100 gsm or greater)



Woven polypropylene



Cooler bags

**Single-use:**



Paper

# Helium balloon releases

It is proposed that:

- The release of one or more filled helium balloons outside will be banned.

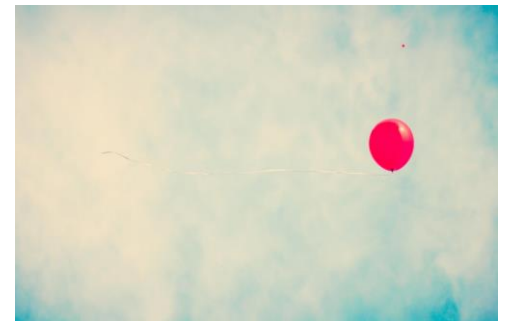
Balloons include any inflatable device made of any combination of plastic, latex or plastic/metal foil.

## Application of regulations:

- To any adult person who releases one or multiple balloons.
- An adult in supervision of a child who releases a helium-filled balloon will be considered responsible for the release of the balloon.
- An event co-ordinator or individual is responsible for the release of any balloons they have arranged or provided at an event.

## Proposed exceptions:

- A helium inflated balloon used for scientific purposes.
- Hot air balloons designed to convey people and be recovered on landing.





# Offences and penalties

Under the new regulations it is proposed that it will be an offence to:

- Sell or supply a banned plastic item.
- Provide false or misleading information about a banned plastic item.
- Release any number of helium-filled balloons into the outdoor environment.
- Arranging or permitting the release (by any number of people) of any number of helium-filled balloons into the outdoor environment.
- A non-prescribed business selling or supplying individual or packs of plastic straws.
- A wholesaler or supplier selling or supplying plastic straws to a business that is not a prescribed business.

# Proposed exemptions

It is proposed that two kinds of exemptions will be permitted under the new regulations:

1. Exemptions for businesses providing individual or packs of single-use plastic items that meet a medical, disability or other related life-need of a person or their carer, e.g. plastic straws.
2. A general exemption on a case-by-case basis. The Chief Executive Officer of the department can exempt a person, business or organisation from the requirements of the regulations by written notice.

# Preparing for the ban

To prepare for the proposed bans it is important to consider:

- Current stock levels of these items and to run down stocks of these items.
- Decide whether your business or organisation will sell or supply alternative non-plastic single-use items or move to reusable items (e.g. reusable party kits with plates, cutlery, cups, etc.)
- Discuss alternative items with suppliers
- Displaying signage regarding the ban at your premises.

The Department understands that businesses and organisations who sell or supply items that are proposed to be banned will need to identify alternative products made from a non-plastic material or are reusable.

The Department will be implementing two programs to support the changes required.

- Plastic Free Places Program – for food, hospitality, charitable organisations and events venues.
- Retailer and supplier engagement program – to support retail businesses and wholesale suppliers transition to adapt to the proposed bans.



# Thank you for your attention

Questions are welcome





# Western Australia's Plan for Plastics

## Feedback Sessions



# Session 1

What concerns do you have?

What are the barriers for you to adapt to the proposed bans?



# Session 2

What support do you need?

# Next steps

- Responses from all sessions will be compiled.
- A summary of your feedback and barriers to change will be provided to the Minister for her consideration.
- Single-Use Plastic Working Group will be provided a summary of the feedback of the information sessions and provide input.
- Regulatory approaches will be announced.
- Thanks again for attending and providing your feedback – it is appreciated and valued.





**Thank you**

DWER SUP team & Andrew

# Product Stewardship

## Issue:

Waste management is increasing in complexity and cost, as is the community and political expectation regarding the management of products at end of life. There are various approaches to Product Stewardship being implemented currently, with legislation at a national and State/Territory level with a range of mandatory, co-regulatory and voluntary approaches. To maximise the positive benefits for the community, environment and economy effective Product Stewardship is essential. To facilitate effective and efficient Product Stewardship, which is easy and convenient for the community to access, a degree of consistency in how various Schemes are developed and delivered is necessary. To date, Schemes have been developed with varying levels of Government direction and consistency (of approach and output). For Local Government, and the communities they represent and provide services to, this is a significant and growing issue.

## Key Principles for Effective Product Stewardship:

### ***1. Any Product sold onto the market should have a clear and funded end of life solution***

Product Stewardship will not be the right policy implemented in each case, for example when a product is no longer produced and the organisation responsible no longer operates or if a product has sufficient value at end of life to cover the costs of its reuse/recycling/recovery. Product Stewardship is a market intervention necessary when a product does not have a clear and funded end of life solution and therefore the end of life cost will be borne by the community at large (frequently through their Local Government rates).

### ***2. Make it easy, convenient and consistent for the community***

Key to Product Stewardship Schemes is making it easy, convenient and consistent for the community to access all Schemes. That means have common locations where a large range of products can be taken back to, in locations which are close to where people live and it is simple and straightforward to access.

### ***3. Product Stewardship Scheme should cover the entire cost of product recycling***

Product Stewardship links the benefit the producers receive by selling a product to ensuring that product will be appropriately dealt with at end of life. Any Scheme should cover the entire cost of the product recycling (collection and recycling).

### ***4. Product Stewardship Schemes should be demand based and aim to recovery the maximum amount of material possible, rather than being limited by arbitrary targets***

Targets work to drive particular recovery rates, however they can become a problem if they are easily exceeded or only applied nationally. Local Government,

as a service provider, cannot turn the community away if a national target has been reached, they keep taking the material and pay the costs associated. Schemes need to ensure they are collecting sufficient funds to cover costs of material being collected. Budgets can be managed by staged implementation and approaches to communication.

#### ***5. Product Stewardship Schemes should focus on 'no cost' at end of life options for consumers***

To incentivise appropriate disposal, the consumer should not be charged to dispose of a product (unless it is a specific fee for service approach).

#### ***6. National Product Stewardship legislation should be used***

The *Recycling and Waste Reduction Act 2020* is national legislation with the option of mandatory, co-regulatory or voluntary product stewardship. For products which have a national reach, this legislation should be used to ensure consistent regulation across Australia.

#### ***7. National coverage and equitable access***

Products can be distributed all over Australia, there is therefore an expectation that material will be recovered nationally as well.

#### ***8. Timely action and industry cooperation***

Schemes need to be developed in a timely manner to ensure a national approach can be developed, with cooperation and engagement with industry. The failure of a national Container Deposit Scheme led to the development of different Schemes in each State and Territory.

#### ***9. Leverage Existing Schemes and Collection Locations***

Every Scheme does not have to start from scratch regarding collection locations, they can leverage existing schemes and collection locations. As one example, through the Container Deposit Schemes there is a national network of take back locations. These locations could be utilised more fully to collect other materials.

### **Background**

Product Stewardship Schemes in Australia are diverse in their approaches, including the legislation that is relevant to their implementation, the focus of the schemes, the governance structure, approach to targets and funding model. The development of this range of Schemes has led to some positive outcomes, innovative solutions and important learnings. Local Government has actively engaged in the development and implementation of Schemes where there is a clear opportunity to reduce costs and improve access for the Community. However, the disparate approach to Product Stewardship has some quite negative outcomes and without a common standard for what is acceptable for a product stewardship scheme to deliver, almost any approach can be considered a Product Stewardship scheme.

Paintback – voluntary, unaccredited scheme\* – currently saving the WA Community over \$600,000 a year, through savings to the Household Hazardous Waste Program.

National TV and Computer Product Stewardship Scheme – Co-Regulatory Scheme under the national Product Stewardship Legislation, has been successful but is now costing the WA community \$300 a tonne to recycle products included in the Scheme and does not cover the \$700 a tonne to recycle other electronic waste. National targets do not provide an equitable outcome for WA, WA is 10% of the national population but is only collecting 5% of the material through the Scheme.

Australian Packaging Covenant Organisation – co-regulatory scheme, through jurisdiction based legislation – over many years it has focused on funding projects and packaging design

Used Oil Program – mandatory scheme, with national legislation – this scheme provides a subsidy to recyclers with the preference for oil to oil recycling accessing a high subsidy per litre. This has driven the development to oil to oil recycling across Australia.

Tyre Stewardship Australia – voluntary, accredited scheme\* - is focusing on market development and accreditation, but not addressing the considerable costs associated with tyre recycling and the issues with illegal dumping.

Flurocycle – voluntary, accredited scheme\* - based on an accreditation model which does not fund any collection or recycling of these materials. Through the HHW Program recycling fluros has cost the community approximately \$70,000 annually.

The Federal Government through the National Product Stewardship Investment Fund, has invested in 20 projects to establish/enhance Product Stewardship schemes. The Centre of Excellence for Product Stewardship represents an opportunity to ensure that Schemes are developed consistently and to maximise access – however do they not have a regulatory role.

Right to repair and built in obsolescence issues, while they can be incorporated into Product Stewardships have not been to date. The Productivity Commission Right to Repair work and legislation in other countries exists alongside, and is complementary to, Product Stewardship.

*\*This refers to the accreditation under the Recycling and Waste Reduction Act 2020.*



# Infrastructure WA:

## Issue/Theme:

Waste Management

## Summary:

The Draft Strategy identifies that waste management is one of society's most essential services and highlights the need for WA to transition to a low waste circular economy. The importance of state-wide infrastructure planning and waste regulatory reform is also highlighted. The challenges of waste management in regional and remote areas is noted as a key area where progress is needed.

## Recommendation 52

Accelerate implementation of the Waste Avoidance and Resource Recovery Strategy 2030 by:

- a. preparing and publishing a State waste infrastructure plan to guide long-term planning and development of waste infrastructure;
- b. strengthening the role of the WA public sector in supporting waste avoidance, encouraging material recovery and environmental protection, and developing domestic markets for recycled materials by developing and implementing government procurement policies, which set ambitious and progressively increasing targets to:
  - i. avoid and reduce waste generation;
  - ii. increase recovery of materials; and
  - iii. purchase locally produced recycled products.
- c. prioritising and expediting waste legislative and regulatory reforms, by:
  - i. reviewing the Waste Levy, the rate and application state-wide, and the use of levy funds to implement the Waste Avoidance and Resource Recovery Strategy 2030;
  - ii. progressing reforms to encourage the recovery of materials derived from waste and provide for their safe use of recycled products; and
  - iii. reducing levy avoidance and evasion practices.

## Proposed WALGA Position:

WALGA supports the recommendation, as it aligns with WALGA Submissions on the State Waste Strategy and the range of waste regulatory reform papers that the Department of Water and Environmental Regulation has released. In particular WALGA has identified the:

- Urgent need for State wide infrastructure planning to be undertaken
- Importance of hypothecation of the Waste Levy and its expenditure on implementing the WARR Strategy
- Importance of completing the development of the range of waste reform measures that have been commenced.

## Questions for Members:

- Are there any additional areas of action in relation to waste infrastructure required?
- What support is required by Local Government in relation to waste infrastructure?

**17.1 NOTICE OF MOTION RECEIVED FROM CR GEORGIA JOHNSON**

In accordance with Clause 4.18 of the *EMRC Standing Orders Local Law 2013*, Cr Georgia Johnson gave notice of her intention prior to the meeting to move the following motion at the Ordinary Meeting of Council to be held on 23 September 2021:

**MOTION**

*That Council requests the CEO prepare a caretaker policy together with an Employee Report and Recommendation for Council's consideration at a future Ordinary Meeting of Council.*

**Rationale provided by Cr Georgia Johnson**

One of the roles of Councillors and Committee Members is to participate in decision making processes at meetings. An EMRC Councillor has both a duty to present the views of member Councils as well as to consider the good of the Region as a whole when making a decision. The community looks to Councillors and Committee Members to provide leadership and guidance.

As a key element of good governance, a caretaker policy is designed to discourage the Council from making major decisions prior to the Local Government election that would bind an incoming Council. It would also prevent the use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election and ensures that Local Government officers act impartially in relation to all candidates. Therefore, so far as is reasonably practicable, the Chief Executive Officer should avoid scheduling major policy decisions for consideration during a caretaker period and instead, ensure that such decisions are either:

- considered by Council prior to the caretaker period; or
- scheduled for determination by the incoming Council.

The implementation of a caretaker policy would provide for better decision making, greater transparency and accountability in Council as prescribed by section 1.3 of the *Local Government Act 1995*.

The caretaker period is a period of time prior to a Local Government election when the caretaker practices are in place. The caretaker practices will apply from the close of nominations being 4:00pm 37 days prior to the Local Government election day in accordance with section 4.49(a) of the *Local Government Act 1995* until 6:00pm on the Local Government election day.

This motion is seeking to set in place a caretaker policy that is intended to apply to the caretaker period to cover:

- decisions made by the Council;
- materials published by the Local Government;
- attendance and participation in functions and events;
- use of the Local Government's resources; and
- access to Local Government information.

### **MOTION**

That Council requests the CEO prepare a caretaker policy together with an Employee Report and Recommendation for Council's consideration at future Ordinary Meeting of Council.

Cr G Johnson moved the motion and Cr Clarke seconded.

The Chairman invited questions to the motion.

Debate ensued, alternating between those speaking against and those speaking for the motion.

Following debate, Cr G Johnson exercised her right of reply.

### **COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR CLARKE

THAT COUNCIL REQUESTS THE CEO PREPARE A CARETAKER POLICY TOGETHER WITH AN EMPLOYEE REPORT AND RECOMMENDATION FOR COUNCIL'S CONSIDERATION AT A FUTURE ORDINARY MEETING OF COUNCIL.

**CARRIED BY CASTING VOTE OF THE CHAIRMAN 6/5**

**For: Crs Hamilton, G Johnson, Clarke, Jeans, Wilson**

**Against: Crs Boyd, O'Connor, Daw, Congerton, Zannino**

## **17.2 NOTICE OF MOTION RECEIVED FROM CR MEL CONGERTON**

In accordance with Clause 4.18 of the *EMRC Standing Orders Local Law 2013*, Cr Mel Congerton gave notice prior to the meeting of his intention to move the following motion at the Ordinary Meeting of Council to be held on 23 September 2021:

### **MOTION**

*That Council:*

1. *Extends the tenure of the Legal Committee following the Local Government elections in October 2021 until such time that the current legal matter is resolved.*
2. *Adopt an amended Legal Committee Terms of Reference forming Attachment No.2 to this notice.*

### **Rationale provided by Cr Mel Congerton**

The Legal Committee is a formally appointed committee of Council and was established at a Special Council Meeting on 8 February 2021 to deal with matters arising out of the EMRC's Establishment Agreement and be disbanded at the next Local Government elections in October 2021.

The current Terms of Reference for the Committee as adopted by Council at the 25 March 2021 meeting is in keeping with the 8 February 2021 resolution and dictates that the Legal Committee be disbanded at the next Local Government elections in October 2021.

The Legal Committee has been tasked with delegated authority to undertake actions in response to the legal matter as outlined and is well placed to manage legal matter in an administratively effective, efficient and agile manner. However, as the legal matter remains in progress, there is a requirement for the Legal Committee to continue beyond its planned tenure and continue beyond the Local Government elections in October 2021.

Thus, for the purposes of maintaining efficiency with the running of the current legal matter via the Legal Committee, it is advisable that the Legal Committee continues to exist until such time that a resolution is reached in regards to the current legal matter.

An amended Legal Committee Terms of Reference is attached for Council's endorsement to govern the existence of the Legal Committee post the Local Government elections in October 2021. The main changes are the removal of the reference to disbanding the Legal Committee at the next Local Government elections in October 2021 and inclusion of a new statement to the effect that the Legal Committee is to continue until such time that the legal matter is resolved.



# Terms of Reference

## Legal Committee

### 1 Objectives of Committee

The Legal Committee is a formally appointed committee of Council and is responsible to that body. It was established at a Special Council Meeting on 8 February 2021 to deal with matters arising out of the EMRC's Establishment Agreement and is to be disbanded after the legal dispute arising out of the EMRC's Establishment Agreement and related matters are resolved.

1.1 The Legal Committee's role is to:

- (a) Report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- (b) Carry out its functions and fulfil its responsibilities as required by the *Local Government Act 1995* and associated regulations, guidelines and protocols of the Council which are relevant to the Committee.
- (c) The Legal Committee will only have those executive powers as specifically delegated to it.

### 2 Responsibilities

2.1 The Legal Committee shall have the following functions:

- (a) To participate and consult with the Chief Executive Officer, Chairman and Council to address legal matters arising out of the EMRC's Establishment Agreement and related matters as delegated to the Legal Committee;
- (b) To provide feedback and recommendations on the legal matters described in 2.1(a) above to Council; and
- (c) To be disbanded after the legal dispute arising out of the EMRC's Establishment Agreement and related matters are resolved.

### 3 Membership

- 3.1 The Legal Committee will comprise of Council members and Deputy members as appointed by Council.
- 3.2 Members will be appointed to the inaugural Legal Committee for such term until the legal dispute arising out of the EMRC's Establishment Agreement and related matters are resolved.

## **4 Meetings**

- 4.1 The Legal Committee shall meet as required, in person or electronically, convened at the discretion of the Chairman.

## **5 Operating Procedures**

- 5.1 All meetings of the Legal Committee are to be conducted in accordance with the *Local Government Act 1995*, associated Regulations and the *EMRC Standing Orders Local Law 2013*.
- 5.2 A quorum for a meeting of the Legal Committee shall be at least 50% of the number of offices (whether vacant or not) of members of the Legal Committee.
- 5.3 Voting
- (a) All decisions of the Legal Committee shall be made on the basis of a simple majority decision of the members present or, if another kind of majority has been prescribed by regulations for the particular kind of decision, by that kind of majority.
  - (b) If the decision results in a tied vote, the person presiding is to cast a second vote.
  - (c) Persons other than Legal Committee members are not entitled to cast a vote.
  - (d) Each member shall have one (1) vote. Legal Committee members who will not be present for a meeting must notify the Chairman.
  - (e) All other aspects related to voting procedure shall be consistent with relevant sections of the *EMRC Standing Orders Local Law 2013*.
- 5.4 Other EMRC staff may attend meetings, at the discretion of the Chief Executive Officer to provide advice and information when required.
- 5.5 Other persons may attend meetings, at the discretion of the Chief Executive Officer and/or Chairman, to provide advice and information as required.

## **6 Reporting**

- 6.1 The Legal Committee shall after every meeting forward the minutes of that meeting to the next Ordinary Meeting of Council, including a report explaining any specific recommendations and key outcomes.

## **7 Delegated Power**

- 7.1 The Legal Committee has only those delegated powers and duties of Council delegated to the Legal Committee associated with dealing with legal matters arising out of the EMRC's Establishment Agreement.

### **Related Documentation**

Policy 2.1      Committees of Council  
*EMRC Standing Orders Local Law 2013*  
EMRC Code of Conduct

### **Administration**

**Adopted | Reviewed by Council**

25 March 2021  
23 September 2021

**Next Review**

Following the Local Government Ordinary Elections in 2023

**Responsible Business Unit**

Business Support

**MOTION**

That Council:

1. Extends the tenure of the Legal Committee following the Local Government elections in October 2021 until such time that the current legal matter is resolved.
2. Adopt an amended Legal Committee Terms of Reference forming Attachment No.2 to this notice.

Cr Congerton moved the motion and Cr Clarke seconded the motion.

Cr Daw left the meeting at 7:20pm.

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON                      SECONDED CR CLARKE

THAT COUNCIL:

1. EXTENDS THE TENURE OF THE LEGAL COMMITTEE FOLLOWING THE LOCAL GOVERNMENT ELECTIONS IN OCTOBER 2021 UNTIL SUCH TIME THAT THE CURRENT LEGAL MATTER IS RESOLVED.
2. ADOPT AN AMENDED LEGAL COMMITTEE TERMS OF REFERENCE FORMING ATTACHMENT NO.2 TO THIS NOTICE.

**CARRIED UNANIMOUSLY**

**18            NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING**

Nil



**CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****RECOMMENDATION (Closing Meeting to the Public)**

That the meeting be closed to members of the public in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

**COUNCIL RESOLUTION**

MOVED CR CONGERTON

SECONDED CR JEANS

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, CHIEF PROJECT OFFICER, CHIEF OPERATING OFFICER, CHIEF SUSTAINABILITY OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, MANAGER FINANCIAL SERVICES, WASTE AND RESOURCE RECOVERY SPECIALIST, CO-ORDINATOR WASTE EDUCATION, INFORMATION SERVICES SUPPORT OFFICER, EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER AND PERSONAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**MOTION CARRIED 9/1****Cr Daw was absent for the vote**

Ms Karen Browne left the meeting at 7:21pm.

The doors of the meeting were closed at 7:21pm.

The Chief Executive Officer, Chief Financial Officer, Chief Project Officer, Chief Operating Officer, Chief Sustainability Officer, Manager Procurement and Governance, Manager Financial Services, Waste and Resource Recovery Specialist, Co-ordinator Waste Education, Information Services Support Officer, Executive Assistant to the Chief Executive Officer and Personal Assistant to the Chief Financial Officer remained in Council Chambers.

Cr Daw returned to the meeting at 7:23pm.

**19.1 HAZELMERE WOOD WASTE TO ENERGY PLANT UPDATE (D2021/18185)**

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature.

See Confidential Item circulated with the Agenda under Separate Cover.

**19.2 APCr BUSINESS PLAN (D2021/18505)**

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature.

See Confidential Item circulated with the Agenda under Separate Cover.

19.3 PROGRESS REPORT ON THE EMRC REQUEST FOR TENDER 2021-002, PERMANENT FOGO PROCESSING FACILITY AND BUSINESS PLAN FOR THE PURPOSE OF THE MAJOR TRADING UNDERTAKING (D2021/18507)

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature.

See Confidential Item circulated with the Agenda under Separate Cover.

**RECOMMENDATION [Meeting re-opened to the Public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

**COUNCIL RESOLUTION(S)**

MOVED CR G JOHNSON

SECONDED CR HAMILTON

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The doors of the meeting were re-opened at 7:39pm.

Recording of the resolutions passed behind closed doors, namely:

19.1 HAZELMERE WOOD WASTE TO ENERGY PLANT UPDATE (D2021/18185)

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON

SECONDED CR JEANS

THAT COUNCIL NOTES THE CONTENTS OF THIS PROJECT UPDATE.

**CARRIED UNANIMOUSLY**

19.2 APCr BUSINESS PLAN (D2021/18505)

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON

SECONDED CR ZANNINO

THAT:

- 1 COUNCIL ENDORSE THE BUSINESS PLAN FORMING THE ATTACHMENT TO THIS REPORT.
- 2 COUNCIL DELEGATE AUTHORITY TO THE CEO, TO NEGOTIATE AN AGREEMENT AS DETAILED IN THE REPORT.
- 3 COUNCIL DIRECTS THE CEO TO PREPARE A SEPARATE REPORT TO COUNCIL WITH THE PROPOSED AGREEMENT FOR ITS REVIEW AND ENDORSEMENT.
- 4 THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

- 19.3 PROGRESS REPORT ON EMRC REQUEST FOR TENDER 2021-002, PERMANENT FOGO PROCESSING FACILITY AND BUSINESS PLAN FOR THE PURPOSE OF THE MAJOR TRADING UNDERTAKING (D2021/18507)

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON                      SECONDED CR ZANNINO

THAT:

- 1 COUNCIL ENDORSES THE DRAFT BUSINESS PLAN FOR A MAJOR TRADING UNDERTAKING FORMING THE ATTACHMENT TO THIS REPORT.
- 2 IN ACCORDANCE WITH S.3.59(4) OF THE *LOCAL GOVERNMENT ACT 1995*, THAT PUBLIC NOTICE BE GIVEN TO SEEK PUBLIC CONSULTATION OF THE EMRC PROPOSAL TO COMMENCE THE MAJOR TRADING UNDERTAKING.
- 3 THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

**20 FUTURE MEETINGS OF COUNCIL**

A Special Meeting of Council will be held on Thursday 4 November 2021 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6.00pm.

**Future Meetings 2021**

Thursday	Special	4	November	at	EMRC Administration Office
Thursday		25	November	(If Required) at	EMRC Administration Office

**21 DECLARATION OF CLOSURE OF MEETING**

The Chairman advised that this was the last Ordinary Meeting of Council prior to the Local Government elections. Councillors were thanked for their support and contribution over the past two years. As he will not be continuing on in his role as a Councillor for the Town of Bassendean and Chairman of this Council, he wished those Councillors up for election the best of luck and hoped that they would all return to their respective Councils and the EMRC after the elections in order to continue on this journey.

Cr Congerton thanked Cr Wilson for his good work as Chairman over the last two years.

Councillors acknowledged Cr Wilson's contribution as Chairman.

The Chairman declared the meeting closed at 7:39pm.